AGENDA ITEM #14 April 18, 2006

Worksession

MEMORANDUM

April 14, 2006

TO:

County Council

FROM: Keith Levchenko, Legislative Analyst

SUBJECT: Worksession: Resolution to Amend the Ten-Year Comprehensive Water

Supply and Sewerage System Plan - Category Change Requests

Transportation and Environment Committee Recommendation (2-0, Councilmember Leventhal absent): Concur with the County Executive's recommendations regarding all requests except (05A-OLN-02) Parker Memorial Baptist Church. In that case the Committee recommends conditional approval rather than deferral.

On January 19, 2006 the Council received a package of 8 Comprehensive Water Supply and Sewerage System Plan category change recommendations from the County Executive (transmittal memorandum attached on ©C-D). A draft resolution was introduced on February 7, 2006 (attached on ©A-B). A public hearing was held on March 14, 2006.

On April 18, 2006 the Council is scheduled to discuss the amendment package. Based on the results of this discussion, the draft resolution will be finalized and acted upon by the Council on April 25, 2006.

List of Attachments

The following documents are attached for your information and review:

Draft Resolution with T&E Committee recommendations	©A-F
County Executive's Transmittal Letter (dated July 24, 2002)	©G-H
Excerpts from CE Staff Report	©I-57
Revised CE Staff Report	©58-63
Planning Board Letter to the Council	©67-69
Planning Board Staff Report	©70-73
Olney Master Plan (Planning Board Draft) Excerpt	©74-83
Selected Public Hearing Testimony/Correspondence	©84-107

Category Change Process Overview

The County Executive has typically transmitted a package of <u>Comprehensive Water Supply and Sewerage Systems Plan</u> amendments to the County Council semi-annually (often in May and November). This package represents the second package from 2005. The next package is expected to be transmitted later this spring or early summer.

The County's Department of Environmental Protection (DEP) is the department responsible for assembling, reviewing, and transmitting these amendments to the Council. DEP staff coordinates with a number of other departments and agencies and include comments from Planning Board staff, WSSC, and Department of Permitting Services (DPS) staff in the Executive Staff Report.

The Planning Board discussed this amendment package on January 26, 2006 and concurred with the County Executive on six of the applications. The Planning Board recommended deferral in one case where the Executive recommended denial. Both the Planning Board transmittal to the Council and the Planning Board staff memorandum to the Planning Board are attached. Both M-NCPPC staff and the Planning Board recommendations are noted for each request.

Category Change Request Review

For purposes of review, Council Staff has divided the requests into two broad categories:

- Consent Items: The County Executive, Planning Board Staff, the Planning Board, and Council Staff concur on the recommendation and Council Staff identifies no issues. NOTE: The concurrence may involve approval, denial, or deferral of the applicant's request. In general, approval or denial of these requests is consistent with applicable Master Plan and Water and Sewer Plan policies and Council Staff does not believe there are unique circumstances warranting additional review at this time. Deferrals are typically recommended in cases where additional information is needed or if other review processes that might affect the issue are recommended to conclude before final consideration of a specific request should occur.
- Issues: Council Staff has identified issues warranting further discussion.

Consent Items

Consent requests are presented on the following chart. Council Staff recommends concurrence with the County Executive's recommendations for each of these requests. Comments regarding some of these requests are included after the chart. The Committee concurs as well.

Consent Requests

			County Executive	Page #s		
#	Applicant	Number	Recommendations	CE Staff Report	Maps	
1	Natelli Communities (for Stephen Barmakian	04A-LSN-01	WITHDRAWN BY APPLICANT	©1-2	© 9-10	
2	Steve Saffron (for Howard Wootten, Jr.)	05A-PAX-04	WITHDRAWN BY APPLICANT	© 11	©14	
5	Laurana Coleman Reed	05A-TRV-06	Approve S-3	©34-35	©40	
6	Vincent Burnett	05A-TRV-07	Deny Category Change, Maintain S-6	© 35	©40	
7	Lakewood Estates Public Health Problem Area		Designate a public health problem area. DEP to follow-up with administrative actions to approve S-1 or S-3 for properties in the problem area	© 41	©45-46	

- Reed (05A-TRV-06) and Burnett (05A-TRV-07): Both of theses cases involve interpretations of the Potomac Subregion Master Plan Peripheral Sewer Policy. However, unlike two cases in the previous category change package discussed by the Council last fall, the County Executive and the Planning Board agree on these two cases (approve Reed, but deny Burnett). Public Hearing testimony from the West Montgomery Citizens Association (©89-93) supports denial in both cases. Council Staff suggests that the Potomac Subregion Master Plan Peripheral Sewer Policy be further discussed in the context of the triennial update to the Water and Sewer Plan to occur later this year.
- <u>Lakewood Estates Health Problem Area</u>: (Quote from Planning Board letter to the Council) "The Planning Board supports the Executive recommendation but asks that all property owners be informed of the potential implications of extending sewer to the entire neighborhood as part of the notification process."

At the T&E Committee meeting, Councilmember Perez asked if this approval could lead to additional approvals for properties that would not otherwise be eligible. DEP Staff noted that all of the surveyed properties are eligible for public sewer service under the Potomac Subregion Master Plan even without the health problem designation and that no ineligible properties would gain access to public sewer as a result of this health problem areas designation. The designation will allow for a more expedited approval process for each property in the future.

Issues

The following chart presents requests where there are differences in recommendations between the County Executive, M-NCPPC Staff, the Planning Board, and/or Council Staff and/or there are issues Council Staff believe require review.

					Issues				
#	Applicant	Number	County	M-NCPPC	Planning	Council	T&E	Page #s	1
	Applicant	Number	Executive	Staff	Board	Staff	Committee	CE Staff Report	Maps
3	Winchester Homes (for Dennis Schraf, et al.)	04A-PVE-01	3/14/06 Revised Recommendation: Approve S-3 and W-3	Deny, until it is shown how service would be provided and what impact can be expected to the Broad run stream watershed	1/26/06 Recommendation: Defer pending resolution of issues between the Town of Poolesville and the Applicant	Concur with the CE.	Concur with the CE with the understanding that the Town of Poolesville will work in cooperation with M-NCPPC and DEP staff in the development of this project and on the mitigation of its potential environmental impacts.	© 15	© 20-21
4.	Maryland Development Company (for Marija Avramovic)	05A-TRV-02	Approve S-1 (single hook up only) for Parcel P600 to address a public heath problem. Maintain S-6 for the other parcels.	1	Concur with the CE, but review issue of extension of sewer service to address public health hazards as part of the comprehensive Water and Sewer Plan update	Concur with the CE.	Concur with the CE.	© 22-23	e 33
24.	a region e a promi	3		Private institutional	Facilities Cases (Currer	(Packane)			
			County	M-NCPPC	Planning	Council	T&E	Page #s	
#	Applicant	Number	Executive	Staff	Board	Staff	Committee	CE Staff Report	Maps
8	Parker Memorial Baptist Church	05A-OLN-02	Defer, pending more information on the proposal.	Defer, pending further study of imperviousness issues in the Batchellors Forest East tributary and a recommendation on an imperviousness cap for the site.	Defer, pending submission of a pre- preliminary plan consistent with the Oiney Master Plan with imperviousness below 20% unless the Planning Board concludes a greater % is acceptable.	Approve, consistent with the PIF Policy and with the applicant agreeing to limit impervious area to the percentages assumed in the preapplication submission.	Conditional Approval: Maintain W-6 and S-6, with approval of W-3 and S-3 conditioned upon Planning Board approval of a preliminary plan that is in conformance with the applicant's pre- application submission.	C47-48	©56-57

Discussion

#	Applicant	Number	County Executive	M-NCPPC Staff	Planning Board	Council	T&E	Page #1	
3	Winchester Homes (for Dennis Schraf, et al.)	04A-PVE-01	3/14/06 Revised Recommendation: Approve S-3 and W-3	Deny, until it is shown how service would be provided and what impact can be expected to the Broad run stream watershed	1/26/06 Recommendation: Defer pending resolution of issues	Staff Concur with the CE.	Committee Concur with the CE with the understanding that the Town of Podesville will work in cooperation with M-NCPPC and DEP staff in the development of this project and on the mitigation of its potential environmental impacts.	CE Staff Report	Maps

This 101.29 acre R-3/4 Zone (3/4 acre lot zoning) is located in the Town of Poolesville. The site is currently in agricultural uses. The applicant is seeking to build a 98-lot subdivision. The applicant is requesting both water and sewer service from the town's water supply and sewerage systems.

The County Executive originally recommended denial of the request since the Town of Poolesville had not advised the County of a schedule as to when its water supply and wastewater systems would be capable of handling this and other new projects. Subsequent to this recommendation, the Town of Poolesville confirmed that the proposed project is part of the Town's development plans and that the Town is pursuing the improvements and approvals needed to implement this project.

Planning Board staff recommended denial until it is shown how service will be provided and what the environmental impacts with regard to the development of this site in the headwaters of Broad Run will be. The Planning Board recommended deferral pending resolution of these concerns. Environmental concerns and concerns regarding the management of growth in the Town of Poolesville were also raised in public hearing testimony (see ©96-98).

County Executive staff believe these concerns are best addressed in the development approval and review processes and that the County has a responsibility to incorporate the Town of Poolesville's water and sewer planning efforts into the County-wide plan given the Town's confirmation that it is pursuing the improvements and approvals needed. Correspondence from the Applicant's attorney is attached on ©101-107.

Council Staff concurs with the revised recommendation of the County Executive to approve W-3 and S-3.

The T&E Committee concurs with the revised County Executive recommendation with the understanding that DEP and Planning Board staff would work closely with the Town of Poolesville regarding the environmental and land use concerns identified by the Planning Board. Councilmember Floreen noted that the Council has identified a number of discussion topics involving municipalities and the County and that water and sewer planning issues should be included on this list.

#	Applicant	Number	County	M-NCPPC	Planning	Council	18E	Page #s	
4	Maryland Development Company (for Marija Avramovic)	Number 05A-TRV-02	Approve S-1 (single hook up only) for Parcel P600 to address a public health problem. Meintain S-6 for the other parcets.		Concur with the CE, but review issue of extension of sewer service to address public heath hazards as part of the comprehensive Water and Sewer Plan update.	Stat! Concur with the CE.	Concur with the CE.	CE Staff Report	Maps ©33

This 13.8 acre E-1 zoned property is located on Cleveland Drive at the intersection of Valley Drive in Potomac. There is currently a single-family house on one parcel and three vacant parcels. The applicant is seeking to build homes on the three vacant parcels. The applicant is requesting sewer service. Public water service is already provided. Correspondence from the applicant's attorney is attached on ©100 and 101.

The County Executive recommends approval of S-1 for a single-hookup only to the existing house (Parcel P600) to address a failed septic system. DPS confirmed the failure of the existing system in July 2005 and DEP subsequently directed WSSC to provide a single sewer connection. In public hearing testimony, the West Montgomery County Citizens Association and the Glen Hills Citizens Association (©89-95) raise concerns regarding the decision to move forward with the extension of sewer service to address the health hazard identified by DPS staff. The Planning Board has noted that it would like to discuss this issue in the context of the comprehensive update of the Water and Sewer Plan this year. The T&E Committee asked for a future briefing on this issue.

With regard to the other parcels (P592, P561, and P802) the County Executive recommends denial of the request consistent with the Potomac Subregion Master Plan recommendations for this area. A sanitary survey of the Glen Hills area is recommended in the Master Plan and may affect future recommendations for service in this area. Both the Planning Board Staff and the Planning Board concur with the County Executive to deny the request.

Council Staff concurs with the County Executive and the Planning Board and recommends maintaining S-6 for the three parcels.

The T&E Committee concurs with the County Executive recommendation.

#	Applicant *	- Number	County Executive	M-NCPPC Staff	Planning Board	Council Staff	T&E Committee	Page &	
8	Parker Memorial Baptist Church	05A-OLN-02	Defer, pending more information on the proposal.	Defer, pending further study of imperviousness issues in the Batchellors Forest East tributary and a recommendation on an imperviousness cap for the site.	Defer, pending submission of a pre- presiminary plan consistent with the Olney Master Plan with imperviousness below 20% unless the	Approve, consistent with the PIF Policy and with the applicant agreeing to limit impervious area to	Conditional Approval: Maintain W-6 and S-6, with approval of W-3 and		€56-57

This 8.39 acre RC zoned property is located on Norbeck Road just west of Layhill Road. The applicant is seeking both public water and sewer service in order to build a house of worship. The property currently consists of a single-family home and two vacant parcels.

The County Executive recommended deferral pending receipt of a development plan from the applicant showing impervious surfaces. This information was later provided and is attached on ©58-59. According to County Executive staff, the request is consistent with the PIF policy.

At the March 14 public hearing, Senior Pastor Guy Williams of Parker Memorial Baptist Church noted that the imperviousness of the initial build-out of the site would be 27.8 percent and could increase to 29.8% with a future build-out in a 15 20 year timeframe.

Planning Board staff recommended deferral pending further study of imperviousness in the context of the Batchellors Forest East tributary and the development of a resulting imperviousness cap for the site.

The Planning Board concurred with the deferral and asked that a pre-application plan be submitted that is consistent with the master plan and keeps imperviousness below 20% unless the Planning Board concludes that a greater number is acceptable. The Planning Board recently received this information (attached on ©58-59). The impervious area assumed in this plan is consistent with the percentages noted by Pastor Williams at the Council's public hearing. The Planning Board has not had an opportunity to bring the project back for discussion and has told the applicant that the re-review would probably not occur until Mid-May.

Neither the Olney Master Plan nor the Water and Sewer Plan have in place imperviousness caps for properties in this area of the County or in the RC zone. In fact, the Master Plan language for the Batchellors forest tributary area specifically notes that an 8% imperviousness cap would not significantly reduce the potential imperviousness in this subwatershed nor likely affect the overall stream conditions (see ©79). The Master Plan does recommend that new developments use environmentally sensitive techniques to minimize imperviousness and the effects of imperviousness (see ©76-77).

From a broader perspective, the T&E and PHED Committees discussed the possibility of imposing impervious area caps in large lot zones through a zoning text amendment recommended by the Planning Board. However, the committees rejected a zoning-wide approach. There was some interest in a more surgical approach that would take into account more specific environmental conditions.

In some past PIF cases, the Council has worked with applicants (the Lutheran Church of St. Andrew and the People's Community Baptist Church for example) to agree to voluntary caps of 25% imperviousness. Given that the Parker Memorial Baptist Church request (at least as presented by Mr. Williams) would be in the 27 to 30% range, and that overall build-out potential of the subwatershed is fairly low, Council Staff does not see an obvious environmental argument for assigning a particular impervious area cap to this request. However, in order to ensure some predictability regarding the impervious area for the property, Council Staff suggests that, as with the institutions noted above, if the request is approved, the applicant agree to an impervious area percentage assumed in the current plans and that this information be noted in the approval language for this item.

Council Staff is skeptical regarding the justification for the Planning Board's argument for a 20 percent impervious area cap in this case. The Planning Board has left open the possibility of supporting a higher level of imperviousness. Given that the applicant's request is close to impervious area levels agreed upon in other PIF cases, and that this particular subwatershed does not appear to be at risk of substantial increases in cumulative impervious area, Council Staff does not see a valid reason to defer the request and recommends approval of the request with an impervious area assumption consistent with the preapplication plan.

The T&E Committee concurs with the intent of the Council Staff recommendation but recommends the approval be conditioned on consistency with the applicant's preapplication plan without noting a specific impervious area cap. Note: Draft conditional approval language for this request is attached on ©C in the resolution table.

Attachments

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Resolution No.	
Introduced:	
Adopted:	

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: County Cou	ıncil		

Subject: Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

Background

- 1. Section 9-501 et seq. of the Environmental Article of the Maryland Code, requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
- 2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
- 3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
- 4. The County Council has from time to time amended the Plan.
- 5. On, January 19, 2006, the County Council received recommendations from the County Executive regarding 8 water and sewer category change applications.
- 6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.
- 7. A public hearing was held on March 14, 2006.



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8. The Transportation and Environment Committee discussed these amendments on March 30, 2006 and made recommendations to the Council.

Action

The County Council for Montgomery County, Maryland approves the following amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of (Council action.
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Linda M. Lauer, Clerk of the Council

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use on-site systems, usually wells and/or septic systems. Categories 1 and 3 identify properties approved for public service. Categories 4 and 5 identify properties that currently should use on-site systems, but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years. Property owners file category change map amendment requests in seeking to move their property from one category to another, usually based on anticipated development plans. The following chart presents the County Council's actions on water/sewer category map amendment requests filed with DEP.

Comprehensive Water Supply and Sewerage Systems Plan: Water/Sewer Category Map Amendments

Comprehensive Wa	iter Supply and Sewerage Sy	stems Plar	n: Water/Sewer	Category Map Amendments
Map Amendment No. Applicant (Owner) Description & Location	Master Plan & Watershed Zoning & Acreage Site Development	Map Amer	ndment Request: ea Categories Requested	T&E Committee Recommendation (See Attachment B for mapping of all except the denied map amendments.)
Lower Seneca Basin Water	shed Planning Area			and the state of t
WSCCR 04A-LSN-01 Toll Brothers, Inc. (for Stephen Barmakian) • Parcel P592, Friend in Need • Tax maps EW121/122; WSSC grids 232/233NW14 • Southwest corner, intersection of Schaeffer Rd. and Burdette Rd., opposite South Germantown Recreational Park/ Soccerplex	Preservation of Agriculture and Rural Open Space Master Plan (1980) Lower Great Seneca Creek Watershed (MDE Use I) R-200 Zone: 20.91 acres Existing use: agricultural Proposed use: 41-lot single-family subdivision *Note: Natelli Communities had replaced Toll Brothers,	deferred a	W-3 S-3 cil previously action on this nt under CR 2/14/04).	No action required; the property owner has withdrawn the request. Note: Consistent with Water and Sewer Plan policies, DEP will not accept a new category change application for this site for one year, or until, 2007. (See the amendment withdrawal/denial note on page 2.)
Olney Planning Area	Inc. as the applicant.			
WSCCR 05A-OLN-02 Parker Memorial Baptist Church (for R. Jones Estate) • 1601 Norbeck Rd. — Parcels P905, P907, & P909, Batchellors Forest Etc • Map tile: 222NW02; JS123 • North side of Norbeck Rd. (MD 28) west of Layhill Rd. (MD 182)	Olney Master Plan (2004) Northwest Branch Watershed (MDE Use IV) RC Zone; 8.8 ac. Existing use: existing single-family house and two vacant parcels Proposed use: house of worship; Plan 7-20060410 "Parker Memorial Baptist Church"	W-6 W-3 S-6 S-3 Maintain W-6 and S-6, with approval of W-3 and S-3 conditioned upon Planning Board approval of a preliminary plan that is in conformance with the applicant's pre-application submission (M-NCPPC file no. 7-20060410). Public water and sewer service is restricted to a private institutional use only, specifically, the Parker Memorial Baptist Church. Note: This action is restricted to the named applicant, Parker Memorial Baptist Church. Should this applicant not proceed to development of the site, any subsequent user, including another private institutional facility, would need to file a new request with the Department of Environmental Protection, Water and Wastewater Policy Group, for service area category changes.		
Patuxent Watershed Conse	rvation Planning Area			
WSCCR 05A-PAX-04 Steve Saffron (for Howard Wootten, Jr.) Outlot B (N909), Wootten Subdivision Map tile: LS122; 221NE05 North side of Sandy Spring Rd. (MD 198) east of Dino Dr.	 Fairland Master Plan (1997) Lower Patuxent River Watershed (MDE Use I) RC Zone; 8.61 ac. Existing use: farmland (not improved) Proposed use: one 5-acre lot for a single-family house and a residual outlot 	W-6 S-6	W-1 No Change	No action required; the applicant has withdrawn the request. Note: Consistent with Water and Sewer Plan policies, DEP will not accept a new category change application for this site for one year, or until, 2007. (See the amendment withdrawal/denial note on page 2.)

Comprehensive Water Supply and Sewerage Systems Plan: Water/Sewer Category Map Amendments

Map Amendment No. Applicant (Owner) Description & Location	Master Plan & Watershed Zoning & Acreage Site Development		dment Request: a Categories Requested	T&E Committee Recommendation (See Attachment B for mapping of all except the denied map amendments.)
Town of Poolesville (Poole	<u>·</u>		- Tedusoccu	except the defined map afficilities (s.)
WSCCR 04A-PVE-01 Winchester Homes (for Dennis Schraf, et al.) • Whites Ferry Rd. — Parcel P780, Mount Pleasant • Map tile: 224NW20; CT122 • West side of West Willard Rd., between Whites Ferry Rd. (MD 108) and Westerly Rd.	Town of Poolesville Master Plan (2005) Broad Run Watershed (MDE Use I) R-3/4* Zone; 101.29 ac. Existing use: agricultural Proposed use: 98-lot single-family residential subdivision Poolesville zoning: residential for ¾-acre lots			and DEP staff have raised concerns vironmental affects of this project, adwaters of the Broad Run concern are the location and his and pumping facilities. In the forts to protect the Broad Run rongly urges that the project of Poolesville work in cooperation with in the development of this project and
Travilah Planning Area				
WSCCR 05A-TRV-02 Maryland Development Co. (for Marija Avramovic Estate) 13200 Cleveland Dr. — Parcels P592, P600 & P802, Discover & Younger Brothers; Parcel P651, Wickham & Pottinger Map tile: 217NW09; FR561 Southeast quadrant, intersection of Cleveland Dr. and Valley Dr.	Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) RE-1 Zone; 13.8 ac. Existing use: one single-family house & 3 vacant parcels Proposed use: 3 single-family houses	W-1 S-6	No Change S-3	For Parcel P600: Approve S-1, restricted to a single sewer hookup only. Public health problem. For Parcels P592, P561 and P802: Deny the S-3 sewer category request; maintain S-6. Please refer to the amendment withdrawal/denial note below.
WSCCR 05A-TRV-06 Laurana Coleman Reed • 11641 Glen Rd. – Parcel P103, Piney Grove • Map tile: 215NW11; FQ122 • Northwest side of Glen Rd., south of Great Elm Dr.	Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) RE-2 Zone; 5.00 ac. Existing use & proposed use: service for the expansion of the existing single-family house	W-1 S-6	No Change S-3	Approve S-3; service is provided under the recommendations in the 2002 Potomac Subregion Master Plan allowing for the consideration of sewer service at the periphery of the public service envelope.
WSCCR 05A-TRV-07 Vincent Burnett • 11760 Glen Rd. – Parcel P896, Beallsmount • Map tile: 216NW12; EQ563 • West side of Glen Rd., north of Great Elm Dr.	Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) RE-2 Zone; 10.3 ac. Existing use & proposed use: service for the expansion of the existing single-family house	W-1 S-6	No Change S-3	Deny the S-3 sewer category request; maintain S-6. Please refer to the amendment withdrawal/denial note below.

Amendment Withdrawal/Denial Note: Under the policies in the Water and Sewer Plan, DEP cannot accept for a period of one year new applications for category change amendments either withdrawn by the applicant or denied by this resolution. DEP will not accept new category change request applications before April 25, 2007, for denied requests. See the withdrawn amendments for their specific filing restriction dates. DEP staff may grant an exception if they determine that a substantive change has occurred in the circumstances involving such a request (i.e. rezoning, sanitary survey results, etc.).

The functions of the County's Water and Sewer Plan include the identification of existing and anticipated public health problem areas throughout the county. The Plan is also intended to explore and promote solutions for these health problems. These public health problems most often result from well and/or septic system failures that the County cannot reasonably solve through the straightforward repair or replacement of those on-site facilities. DEP and DPS have investigated such an area (as explained in the following chart), resulting in a recommendation to the County Council that the Water and Sewer Plan identify it as a public health problem area. In this specific case the solution proposed for this neighborhood is the provision of public sewer service.

Comprehensive Water Supply and Sewerage Systems Plan: Sewer Map Amendment

Travilah Planning Area Health Problem Area Sewer Map Amendment **Background and Survey Results Neighborhood Property Characteristics**

Lakewood Estates Area Sanitary Survey

The owners of the older properties in Lakewood Estates expressed concern to DEP about their ability to replace their aging septic systems, especially given the size of their lots, many of which are approx. one-half acre in size. They sought a general health problem designation to both reflect their serious concerns regarding their existing conditions and to gain the benefits normally granted to such areas, such as priority for sewer service connections and main extensions and WSSC health subsidies for main extensions. Under the 2002 master plan, the study area is now intended for public sewer service; the County has granted sewer service category changes to properties here, including three lots with septic system failures. DEP initiated and DPS conducted the requested sanitary survey of 32 lots in the neighborhood in Spring/Summer 2005. DEP selected the survey area to specifically address those older properties in the neighborhood that had initially developed on septic systems, and that previously had been denied general access to public sewer service. DEP's interpretation of the survey results shows that 25 of the 32 surveyed properties, or approximately 78 percent, have a moderate or high level of health concern. This reflects a sufficient concern about existing and anticipated health problems to warrant the designation of these properties collectively as a public health problem area.

- details of each property included.)
- Map tile: 218NW10; FR342
- Selected properties located along Aqua La., Cherrydale Dr., Lakewood Ct., Silver Brook Dr., and Valley Dr. in the Lakewood Estates neighborhood
- 32 properties (see the following table for Potomac Subregion Master Plan (2002)
 - Watts Branch Watershed Pinev Branch Subwatershed (MDE Use I: Mont. Co. SPA)
 - R-200 & RE-1 Zones: 19.57 acres total. excluding public roads
 - Existing/Proposed use: provision of sewer service to existing lots

T&E Committee Recommendation (See Attachment B for mapping of the approved health problem area.)

Establish a public health problem area in the Water and Sewer Plan that includes the Lakewood Estates sanitary survey area. DEP will work with the neighborhood on a general category map amendment (from S-6 to S-1 or S-3) to make all properties within the designated health problem area eligible for public sewer service. The map amendment will be addressed via the administrative delegation process.

Note: The Council requests that DEP and DPS staff prepare a briefing for the Council on how the agencies identify and address public health problems resulting from failing wells and septic systems.

Comprehensive Water Supply and Sewerage Systems Plan: Sewer Map Amendment

Lakewood Estates Area Sanitary Survey: Property Information Table						
Premise Address	Identification*	Built - Acreage - Zone	Categories	Owner(s)		
13600 Aqua La.	Lot 5, Block 4	1965; 0.67 ac.; R-200	W-1 & S-6	Steven & A.S. Kohn		
13601 Aqua La.	Lot 7, Block 5	1999; 0.49 ac.; R-200	W-1 & S-1	Yital Hu		
13604 Aqua La.	Lot 6, Block 4	1965; 0.52 ac.; R-200	W-1 & S-6	Leonid Podrabinnik & Marian Gaivoronskaia		
13605 Aqua La.	Lot 8, Block 5	1974; 0.54 ac.; R-200	W-1 & S-3	Sandor Boyson & Margarita Rodriguez		
13609 Aqua La.	Lot 9, Block 5	1973; 0.48 ac.; R-200	W-1 & S-6	Ho & J.H. Kim		
13613 Aqua La.	Lot 10, Block 5	1962; 0.46 ac.; R-200	W-1 & S-6	Victor Stekoll & Susan Levi		
13600 Cherrydale Dr.	Lot 3, Block 5.	1962; 0.53 ac.; R-200	W-1 & S-3	George & Sharon Smithwick		
13601 Cherrydale Dr.	Lot 2, Block 2.	1977; 1.16 ac.; RE-1	W-1 & S-6	David & K. Anderson		
13604 Cherrydale Dr.	Lot 2, Block 5.	1962; 0.47 ac.; R-200	W-1 & S-3	Robert & D. Reiderer		
13605 Cherrydale Dr.	Lot 3, Block 2.	1961; 0.93 ac.; RE-1	W-1 & S-3	Judith Knight, et al.		

Comprehensive Water Supply and Sewerage Systems Plan: Sewer Map Amendment

	Lakewood Estates Area Sanitary Survey: Property Information Table							
Premise Address	Identification*	Built - Acreage - Zone		Owner(s)				
13609 Cherrydale Dr.	Lot 4, Block 2	1961; 0.92 ac.; RE-1	W-1 & S-3	Paul & Laura Yazge				
13613 Lakewood Ct.	Lot 7, Block 4	1976; 0.63 ac.; R-200	W-1 & S-6	Joseph & Linda Kobylski				
13705 Lakewood Ct.	Lot 11, Block 5	1962; 0.51 ac.; R-200	W-1 & S-6	Edward Atkins, et al. Trust				
13709 Lakewood Ct.	Lot 12, Block 5	1962; 0.46 ac.; R-200	W-1 & S-3	Brent & Lisa Goodman Goldstein				
13713 Lakewood Ct.	Lot 13, Block 5	1972; 0.49 ac.; R-200	W-1 & S-6	Mitchell & P.M. Belzer				
9900 Silver Brook Dr.	Lot 1, Block 5	1961; 0.50 ac.; R-200	W-1 & S-3	John & Lois McInnes				
9901 Silver Brook Dr.	Lot 1, Block 6	1961; 0.48 ac.; R-200	W-1 & S-6	E. Valerie Newkirk, et al.				
9905 Silver Brook Dr.	Lot 2, Block 6	1961; 0.47 ac.; R-200	W-1 & S-3	Frederick & P.M. Evans				
9909 Silver Brook Dr.	Lot 3, Block 6	1961; 0.47 ac.; R-200	W-1 & S-3	Elizabeth Tennery, et al.				
9912 Silver Brook Dr.	Lot 21, Block 5.	1961; 0.60 ac; R-200	W-1 & S-3	Kenneth Kofsky & Lora Green				
9913 Silver Brook Dr.	Lot 4, Block 6	1961; 0.51 ac. R-200	W-1 & S-3	John & L.S. Sheehan				
9917 Silver Brook Dr.	Lot 5, Block 6.	1961; 0.53 ac.; R-200	W-1 & S-6	Edward & Sylvia Sasnett				
9920 Silver Brook Dr.	Lot 10, Block 6.	1961; 0.46 ac.; R-200	W-1 & S-3	Stephen & E.R. Cohen				
9921 Silver Brook Dr.	Lot 6, Block 6.	1961; 0.48 ac.; R-200	W-1 & S-3	William & M.H. Druckenbrod				
9924 Silver Brook Dr.	Lot 9, Block 6	1961; 0.46 ac.; R-200	W-1 & S-3	Gerald & D.L. Silbert				
9925 Silver Brook Dr.	Lot 7, Block 6	1961; 0.51 ac.; R-200	W-1 & S-3	John & K.M. Connors				
9928 Silver Brook Dr.	Lot 8, Block 6	1961; 0.50 ac.; R-200	W-1 & S-3	Jay & Sherri Eichberg				
13504 Valley Dr.	Lot 11, Block 1	1961; 0.92 ac.; RE-1	W-1 & S-6	John & D.E.J. Phelan				
13600 Valley Dr.	Lot 12, Block 1	1978; 2.02 ac.; RE-1	W-1 & S-6	Aura Sanchez, et al. Trust				
13601 Valley Dr.	Lot 4, Block 5	1962; 0.46 ac.; R-200	W-1 & S-6	Joshua Korsower				
13605 Valley Dr.	Lot 5, Block 5	1962; 0.48 ac.; R-200	W-1 & S-6	John Hoff, et al. Trust				
13609 Valley Dr.	Lot 6, Block 5	1962; 0.46 ac.; R-200	W-1 & S-6	Timothy & A.A. Gilbert				
All properties are part of the Lakeywood Estates subdivision								

^{*} All properties are part of the Lakewood Estates subdivision

Additional information with regard to the entire survey area is provided on the preceding table (see pg. 3)

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CC SBF

OFFICE OF THE COUNTY EXECUTIVE

ROCKVILLE, MARYLAND 20850

Douglas M. Duncan County Executive

MEMORANDUM

019460

January 13, 2006

5 JAH 19 FM 2:

TO:

George L. Leventhal

Montgomery County Council

FROM:

Douglas M. Duncan

County Executive

ENCL IN FILE

09

SUBJECT:

Transmittal of and Recommendations on Proposed Amendments to the Ten-Year

Comprehensive Water Supply and Sewerage Systems Plan

Pursuant to the requirements of the Environmental Article, Sections 9-503 through 9-506 and 9-515 through 9-516, of the Annotated Code of Maryland, I am transmitting my recommendations for proposed amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. Recommendations addressing eight plan amendments are included in the attached staff report. These eight amendments encompass six new and one deferred category change requests and a proposed health problem area designation. The report includes the following materials for each amendment request:

- An Executive staff report, including the recommendation summary table
- The amendment application and supporting documents
- GIS-based maps illustrating the amendment

The recommendations for each amendment are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and the appropriate master plans or sector plans. Therefore, they generally have little or no controversy with regard to interagency comments and recommendations. However, the following issues will likely generate discussion at upcoming committee and Council worksessions:

Lakewood Estates Health Problem Area Amendment

The Department of Environmental Protection (DEP) has investigated a portion of the Lakewood Estates neighborhood, located west of Rockville, as a potential public health problem area. DEP initiated a sanitary survey with the Department of Permitting Services in the spring of 2004 based on known septic system failures and inquires from neighborhood residents.



George L. Leventhal January 13, 2006 Page 2

The results of the survey show a sufficient public health concern to warrant designating the survey area as a public health problem area in the Water and Sewer Plan. This designation will afford the residents a priority for sewer connections and main construction with the Washington Suburban Sanitary Commission, in addition to improving our understanding of the distribution and characteristics of health problem areas. DEP will follow this amendment with a general category change map amendment through the administrative delegation procedure to allow access to public sewer service for all of the properties in the survey area.

Private Institutional Facility (PIF) Policy-Related Amendment

The Council recently decided to modify the public service exceptions allowed under the Water and Sewer Plan's policy addressing non-profit, or "private institutional facilities" (PIFs). Under CR 15-1234 (November 29, 2005), the Council removed the policy's application in the cases involving sites located within the Rural Density Transfer (RDT) Zone. This packet contains one new amendment for a PIF case, WSCCR 05A-OLN-02, for the Parker Memorial Church. The proposed site for the church is zoned Rural Cluster (RC), and is therefore not affected by the recent changes to the PIF policy. The deferral recommendation for this amendment reflects the lack of the applicant's development plan for the project site, rather than a need to address aspects of the PIF policy itself, which has been a key issue for past recommendations.

DEP staff will be available to discuss the amendments included in this transmittal at the Transportation and Environment Committee and full Council worksessions.

DMD:as

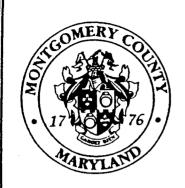
Attachment

cc:

Derek Berlage, Chairman, Montgomery County Planning Board
Andrew Brunhart, General Manager, Washington Suburban Sanitary Commission
Paul E. Kuhlman, II, President, Commissioners of Poolesville
Robert Hubbard, Director, Department of Permitting Services
James Caldwell, Director, Department of Environmental Protection
Catherine Matthews, Director, Upcounty Regional Services Center
Robert Summers, Director, Water Management Administration, Maryland
Department of the Environment

Audrey Scott, Secretary, Maryland Department of Planning





Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

County Executive's Amendment Transmittal to the County Council – January 2006

8 PROPOSED WATER AND SEWER MAP AMENDMENTS

- 6 Current Category Change Requests
- 1 Deferred Current Category Change Request
 - 1 Public Health Problem Area Request

Prepared by
The Department of Environmental Protection

James A. Caldwell, Director
David Lake, Manager, Water and Wastewater Policy Group
Alan Soukup, Senior Planner, Water and Wastewater Policy Group

We acknowledge and appreciate the assistance of the following agencies in the preparation of this amendment packet:

Washington Suburban Sanitary Commission

Maryland – National Capital Park and Planning Commission

Montgomery County Department of Permitting Services

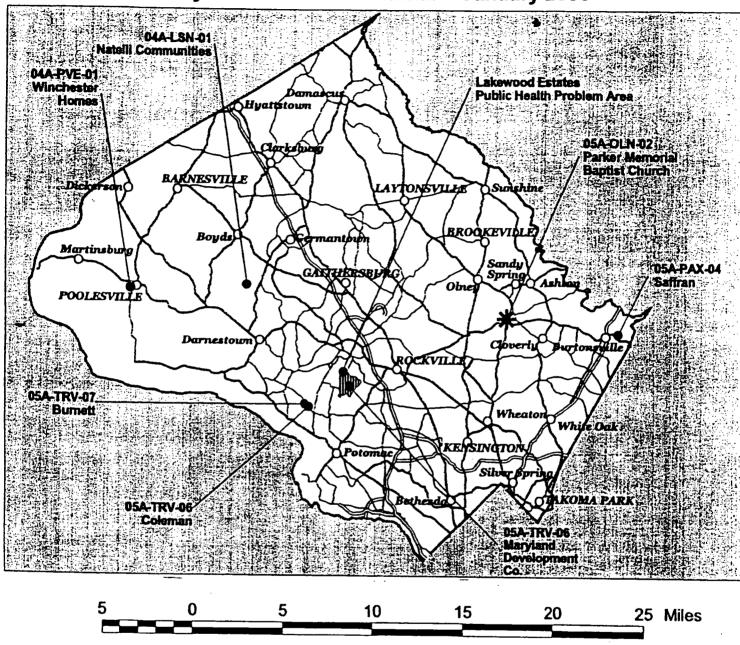
Town of Poolesville

PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS COUNTY EXECUTIVE'S TRANSMITTAL PACKET – JANUARY 2006

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Water/Sewer Map Amendment Locator County Executive's Transmittal -- Janaury 2006



MAP LEGEND

- Proposed Map Amendments
- Proposed PIF Map Amendments
- O Localities
- /// County Roads
- // State Roads
- US & Interstate Highways
- Glen Hills Neighborhoods





Montgomery County, Maryland 2003 - 2012 Comprehensive Water Supply and Sewerage Systems Plan



Watershed Management Division
12/14/05 – GIS Project File:
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PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS COUNTY EXECUTIVE'S TRANSMITTAL PACKET – JANUARY 2006

	SUMMARY OF COUNT	TY EXECU	TIVE'S RECO	OMMENDATIONS	
Water and Sewer Plan Amendment	Applicant (Owner)	Zoning Acreage	Applicant's Request	Summary of Executive Recommendation	
WSCCR 04A-LSN-01	Natelli Communities (for Stephen Barmakian	R-200 20.9 ac.	W-3 & S-3	Deny the request.	
WSCCR 05A-PAX-04	Steve Saffron (for Howard Wootten, Jr.)	RC 8.8 ac.	W-1	Conditional approval for W-3, requiring cluster plan approval.	
WSCCR 04A-PVE-01	Winchester Homes (for Dennis Schraf, et al.)	R-3/4 101.3 ac.	W-3 & S-3	Deny the request. (Town of Poolesville)	
WSCCR 05A-TRV-02	Maryland Development Co. (for Marija Avramovic)	RE-1 13.8 ac.	S-3	Approve S-1 for property with documented health problem. Deny the request for the remaining 3 properties.	
WSCCR 05A-TRV-06	Laurana Coleman Reed	RE-2 5.0 ac.	S-3	Approve S-3 (Potomac peripheral sewer service policy).	
WSCCR 05A-TRV-07	Vincent Burnett	RE-2 10.3 ac.	S-3	Deny the request.	
Lakewood Estates Health Problem Area	Initiated by the Mont. Co. Dept. of Environmental Protection	R-200 & RE-1 19.6 ac.	Designate the health problem area	Designate the public health problem area. DEP to follow up with a general category change map amendment.	
WSCCR 05A-OLN-02	Parker Memonal Baptist Church (for R. Jones Estate)	RC 8.4 ac.	W-3 & S-3	Defer action on the request; site proposal needed (private institutional facility policy).	

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County Executive's Transmittal Packet – January 2006: Map Amendment Summary Information Table

LOWER SENECA CREEK WATER	SHED PLANNING AREA	
Amendment No./Applicant (Owne Property Location & Information Proposed/Existing Development	Applicant's Request/Explanation Service Area Categories: Existing Requested	Reviewing Agency Comments WSSC Main extensions are non CIP aread values and the comments of th
WSCCR 04A-LSN-01 Toll Brothers, Inc. (for Stephen Barmakian) Parcel P592, Friend in Need Tax maps EW121/122; WSSC grid 232/233NW14 Southwest corner, intersection of Schaeffer Rd. and Burdette Rd., opposite South German-town Recreational Park/ Soccerplex Preservation of Agriculture and Rural Open Space Master Plan (1980) Lower Great Seneca Creek Watershed (MDE Use I) R-200 Zone: 20.91 acres Existing use: agricultural Proposed use: 41-lot single-family subdivision Note: Natelli Communities has replaced Toll Brothers, Inc. as the applicant. The Council deferred action on this request under CR 15-851 (12/14/04).	W-6 S-3 S-6 S-3 Applicant's Explanation: "Problems with existing, private on-site sanitary systems. (A number of drainfields along Schaeffer Road are failing because of a shallow bedrock situation.) Suitability of the site for private, on-site sanitary systems. Adjacent or nearby properties with existing public water and/or sewer service (King's Crossing/ Adjacent to Soccerplex). WSSC-Water: Service will require 12"-dia. main in Schaeffer Road (properties. WSSC-Sewer: Sewer service mig a minimum of 2000 feet of force in Road (#951241F) and possibly the Regional Park, requiring rights-of main would be unable to connect flow wastewater pumping stations adopted by WSSC before service	(WSSC Main extensions are non-CIP sized unless specified.) Planning Staff (original comments): Service is inconsistent with master plan recommendations. Although zoned R-200, the subject property is still outside the Water and Sewer Plan's service envelope, an area not planned for public service at this time or at the time of the master plan in 1980. The extension of public water and sewer here would be contrary to the intentions of the master to control the timing of development in the master plan study area. ** Planning Board: (original comments): Concur with the M-NCPPC staff position. Deny the request. **On Apr. 28, 2005, the Board considered the issues identified in CR 15-851: the master plan intent for the property and the general condition of septic systems in the area. The Board found that the master plan did not intend that this property be served by public water or sewer systems. DPS had reported to M-NCPPC no particular difficulties with the nearby existing septic systems. ** e a 1000' water extension, connecting to the existing (#992610B); the extension would abut three additional of the provided by a wastewater pumping station and main, connecting to the 8*-dia. sewer in Bromfield aversing a portion of Southwest Germantown from the process of being drafted, must be a can be provided.

County Executive's Recommendation: Deny the water/sewer category change request; maintain W-6 and S-6.

Note: The applicant needs to address the intent to develop this site with public water and sewer service by working through either the pending Germantown Master Plan update process or a future update (if any) to the Preservation of Agriculture and Rural Open Space Master Plan. Although this cannot guarantee a successful result for the applicant, addressing the land use planning aspects of this proposal is the appropriate avenue to pursue at this time.

Executive Staff Report: The applicant has requested category changes to allow for public water and sewer service for a proposed 41-lot residential subdivision. The County Executive and the Planning Board recommended denial of the request when it was submitted with the in October 2004 amendment packet. The Council considered and deferred action on this request under CR 15-851 (Dec. 14, 2004), taking the following position:

"Defer, pending further review of the Master Plan intent for this property and the condition of septic systems in the area."



County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

LOWER SENECA CREEK WATERSHED PLANNING AREA

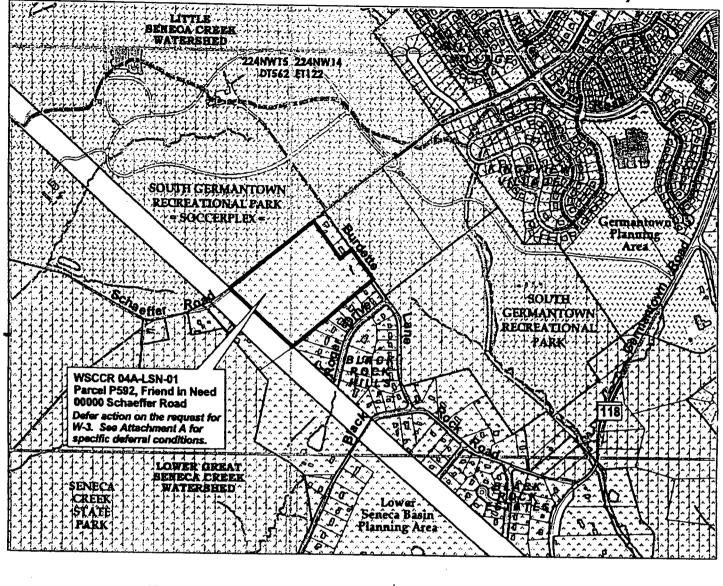
On Apr. 28, 2005, the Board considered the following issues related to the Council's deferral of the amendment under CR 15-851: **

- Is this site in the Agriculture and Rural Area Master Plan? Should this site be located within Germantown Master Plan area due to changes in the neighborhood?
- Why was this property zoned R-200 if there was no intention to provide community sewer service to the site?
- Are there septic failures in the surrounding neighborhood? Do they need a community sewer solution?

In summary, the Board found that the Barmakian property is properly located within the Preservation of Agriculture and Rural Open Space Master Plan, as it is located outside of the "greenbelt" of parkland and open space that surrounds the Germantown Master Plan area. The expansion of facilities at the nearby South Germantown Recreational Park, the primary change in the immediate neighborhood, does not support a change in the status of this property. Such a change needs to be addressed in the context of a master plan amendment that would take the larger neighborhood into consideration. The zoning of a rural community as R-200, but without the expectation of public water or sewer service, is not unique to the Brownstown area. Although the lot patterns in these communities often reflects times of less stringent well and septic regulations, this zoning does not intend that unimproved properties should automatically receive public water and/or sewer service. The existing Brownstown community does not have a history of irreplaceable septic system failures. Although the general age of these septic systems indicates that they will eventually need to be replaced, there is no indication at this time that those replacements will require relief by public sewerage systems. This is consistent with a similar finding made by the Well and Septic Office in 1997, when the County considered whether a regional wastewater pumping system would be required in this area of Germantown.

**See the Planning Board's findings, dated June 10, 2005, at circle pgs. 6-8.

Water Service Area Categories Map WSCCR 04A-LSN-01 (Natelli Communities*/S. Barmakian)



1000 1000 2000 3000 4000 Feet June 2003 Update MAP LEGEND Service Area Categories Map Properties (3/02) WSSC/GIS Tile Grid Montgomery County, Maryland Water Mains 8"- or Smaller-Dia. Mains Comprehensive Water Supply 10" to 15"-Dia. Mains * 16"- to 24"-Dia. (CIP) Mains and Sewerage Systems Plan 30",- to 42"-Dia, (CIP) Mains 48°- or Larger-Dia. (CIP) Mains ° Department of No Individual Connections Environmental M-NCPPC Planning Areas Protection Parks & Public Land Buildings Water Service Area Categories Roads - Parking Areas 5557 W-1

* Original applicant: Toll Brothers, Inc.

Watersheds

Ponds - Lakes

Streams

W-3

W-4

W-5

(9)

Watershed Management Division
12/20/04 — GIS Project File:
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Watershed Management Division

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12/22/04 - OIS Project File:

Sewer Service Area Categories Map WSCCR 04A-LSN-01 (Natelli Communities*/S. Barmakian)



* Original applicant: Toll Brothers, Inc.

County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

PATUXENT RIVER WATERSHED	PATUXENT RIVER WATERSHED CONSERVATION PLANNING AREA					
Amendment No./Applicant (Owner) Property Location & Information Proposed/Existing Development	Applicant's Res Service Area C Existing	quest/Explanation categories: Requested	Reviewing Agency Comments (Main extensions are non-CIP sized unless specified.)			
WSCCR 05A-PAX-04 Steve Saffron (for Howard Wootten, Jr.) Outlot B (N909), Wootten Subdivision Map tile: LS122; 221NE05 North side of Sandy Spring Rd. (MD 198) east of Dino Dr. Fairland Master Plan (1997) Lower Patuxent River Watershed (MDE Use I) RC Zone; 8.61 ac. Existing use: farmland (not improved) Proposed use: one 5-acre lot for a single-family house and a residual outlot	one (1) single abuts. Nearby Spring Road Existing servi on WSSC cor	W-1 No Change cplanation: "To serve family home. WHC water line in Sandy (MD Rte 198). ce connection shown altract document copy attached.)"	M-NCPPC Staff: The property is within the master plan's public water service area; water service would be consistent with the master plan. No sewer service. Recommend W-1. WSSC-Water: Plans for the 20-inch water main on the opposite side of MD 198 (#804608A) show a 1-inch water connection built under the road to serve this property. However, experience shows that this existing connection may be difficult to locate now. If so, then service could be provided by a 200-foot extension from an existing 8-inch main on the north side of MD 198 at Woottens Dr. (also #804608A). The extension would abut three additional properties (This does not include the properties on the south side of MD 198 with already have access to the 20-inch main.) WSSC prefers this alternative to a new connection from the 20-inch main under the road, which would be costly due to the need to tunnel under the State road. DPS-Well & Septic: Percolation tests for a septic system have been approved. With regard to well water supply, although individual properties can vary, adjacent homes have moderate to high yielding water wells.			

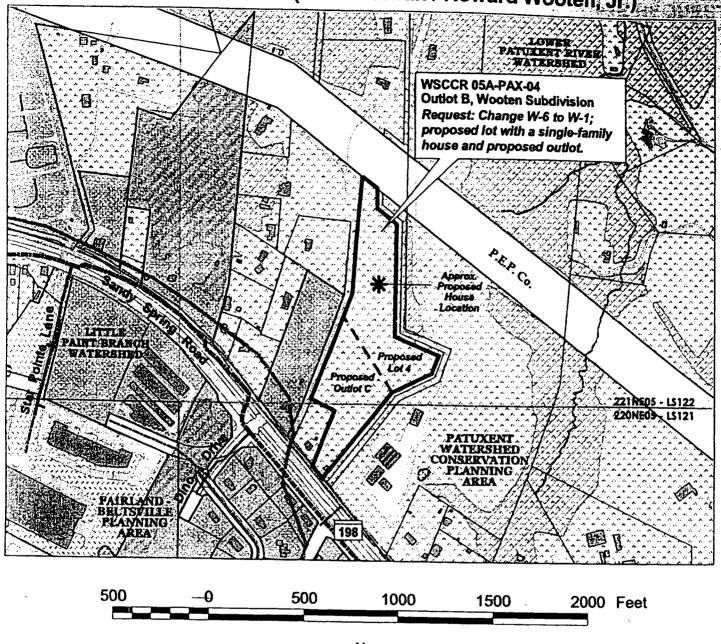
<u>County Executive Recommendation</u>: Maintain W-6, with advancement to W-3 conditioned on the Planning Board's approval of a preliminary plan using the RC Zone cluster option.

Executive Staff Report: The applicant has requested the provision of public water service to support the development of an existing outlot in the Wootten Subdivision near Burtonsville. The applicant's proposal calls for the creation of a single residential lot and a residual outlot, which may continue as an agricultural use. Water service policies in the Water and Sewer Plan allow for public water service in the RC Zone, provided that the cluster development option, where applicable, is used. M-NCPPC Development Review staff have indicated that the existing outlot can develop using a one-lot cluster plan; this will require the dedication of 60 percent open space as part of the development plan. The provision of public water service under these circumstances is consistent with the 1997 Fairland Master Plan.

WSSC reports that a 1-inch water service connection to serve this property was previously constructed under Sandy Spring Rd., although with the passage of time, this connection may be difficult to locate. If needed, service alternatively could be provided by a 200-foot main extension along Sandy Spring Rd. from an existing 8-inch main already located on the north side of the road near Woottens Drive. The required extension would abut three additional properties on the north side of the road. Two of these are minimal street frontage for flag lots that extend to north of the PEPCO transmission lines. Water service for these two properties from the abutting extension may not be feasible.



Water Service Area Categories Map WSCCR 05A-PAX-04 (Steve Saffran / Howard Wooten, Jr.)



MAP LEGEND	Ā
Property (Sept. 2004)	\checkmark
WSSC/GIS Tile Grid	100
Water Mains	" A
/ 8"- or Smaller-Dia. Mains	· V
10" to 15"-Dia. Mains	X .
16"- to 24"-Dia. (CIP) Mains	8
30°, - to 42°-Dia, (CIP) Mains *	
48"- or Larger-Dia. (CIP) Mains *	
* No Individual Connections	
िब्रेस् Buildings	
Roads - Parking	
Watersheds	Water Service Area Categories
✓ Streams	W-1
Ponds - Lakes	W-3

M-NCPPC Plannning Areas

Woodlands



W-1 W-3 W-4

W-5

W-6

June 2003 Update Service Area Categories Map

Montgomery County, Maryland Comprehensive Water Supply and Sewerage Systems Plan





Water & Wastewater Policy Group 7/29/05 - GIS Project File: o:\www.eam\ccrs-pas\patuxent-lower\ 2005ccrs\05a-pax-04=saffran=w.apr

County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

Town of Poolesville – Background: Requests to change water and sewer service area categories within the county's municipalities, including those such as Poolesville that maintain their own planning and zoning authority, are included in the county-wide Water and Sewer Plan. State law directs the County to incorporate the water and sewer planning accomplished by the municipalities into the County Plan. In this regard, DEP's evaluation of category change requests filed for properties within the town must rely substantially on planning and utility recommendations provided by the Town government.

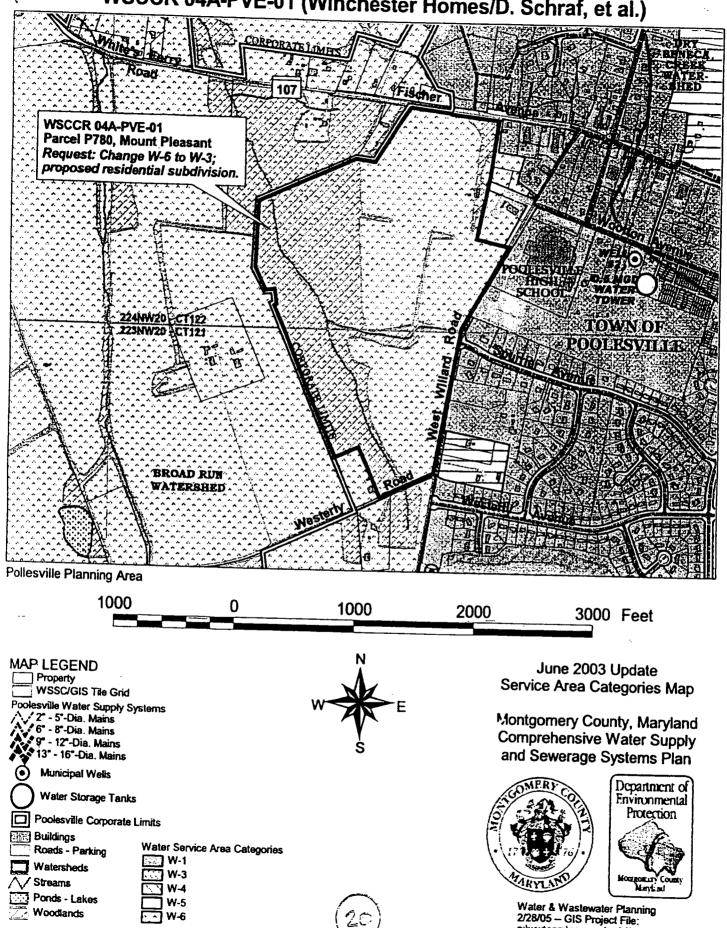
1 		TOWN OF POOLESVILLE - POOLESVILLE PLANNING AREA					
Applicant (Owner)	Applicant's Re Service Area C Existing	quest/Explanation:	Reviewing Agency Comments (WSSC main extensions are non-CIP sized unless specified.)				
Site Information & Development WSCCR 04A-PVE-01 Winchester Homes (for Dennis Schraf, et al.) • Whites Ferry Rd. – Parcel P780, Mount Pleasant • Map tile: 224NW20; CT122 • West side of West Willard Rd., between Whites Ferry Rd. (MD 108) and Westerly Rd. • Town of Poolesville Master Plan (2005) • Broad Run Watershed (MDE Use I) • R-3/4* Zone; 101.29 ac. • Existing use: agricultural • Proposed use: 98-lot single-family residential subdivision • Poolesville zoning: residential for 3/4-acre lots	Existing W-6 S-6 S-6 Applicant's Exseeks category the future subcomproperty into some sewerage system and the sewerage system and the sewerage system and the sewerage system and the syst	Requested W-3 S-3 planation: "Applicant y change request for division of the ingle family elling unit lots." em issues which will lan. However, at this opect a schedule for the vater: Adequate publiceral new municipal well sites, it does not his support this and other eatment Plant (WWT control efforts are exems to satisfy the mail ongoing litigation, the cater Discharge Permit WWTP to increase direct his is within the coplan, however, the coplan, however, the coplan however has a controlled the stream has a controlled the stream however has a controlled the stream has a controlled th	WSSC main extensions are non-CIP sized unless specified.) Town of Poolesville (summarized from Nov. 14, 2005, letter-circle pgs. 18-19): Master Plan: The project is consistent with growth and development staging proposed in the Town's 2005 master plan update, which calls for the population to expand from 5,167 to a maximum of 6,500 supported by approximately 420 new homes. The Town is working to resolve public water and allow for the future development proposed by the time, the Town informed DEP that it cannot be resolution of these issues. (See below for specific cowater supplies for projected growth are pending the real sites. While the Town has identified and is actively have a timetable set for the expansion of the public				

County Executive Recommendation: Deny the water and sewer request; maintain W-6 and S-6.

Executive Staff Report: The applicant is seeking water and sewer category changes to allow for the provision of public water and sewer service to a proposed 98-lot residential subdivision in the Town of Poolesville. The site is zoned for moderate-density residential development, as is recommended in the Town's 2005 master plan update. The Town has informed DEP that its public water supply and sewerage systems are not yet ready to support the development growth recommended by the new master plan. New well water sources are anticipated but not yet programmed by the Town. Litigation concerning the expansion of the wastewater treatment plant has slowed the progress on needed additional treatment capacity.

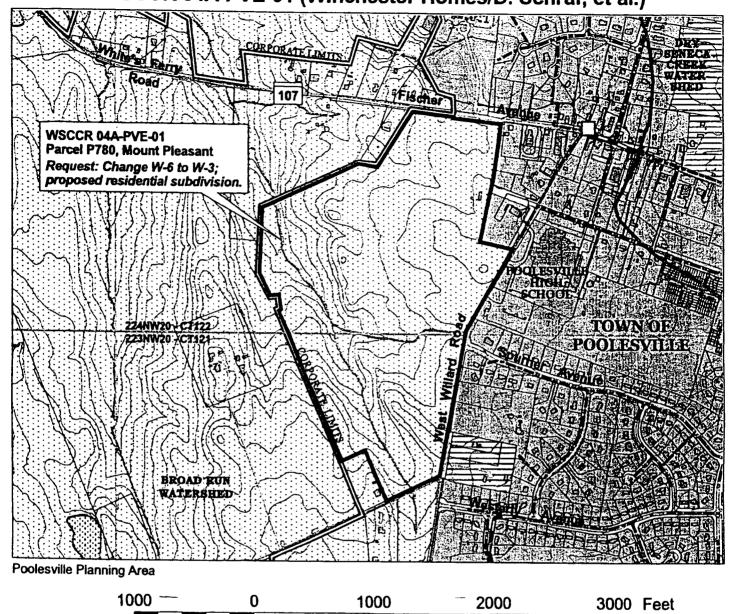
The Town of Poolesville has not advised the County the County of a schedule as to when its water supply and wastewater systems will be capable of handling this and other new projects. This request should not move forward until the Town is able to commit to development and infrastructure schedules to which the County can apply its service area category structure. Once this is achieved, the County will accept an application for a new category change request for this project. In addition, the County encourages the Town to work with DEP to develop a general category map amendment based on the Town's new master plan.

Water Service Area Categories Map WSCCR 04A-PVE-01 (Winchester Homes/D. Schraf, et al.)



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04a-pve-01=winchester-schraf=ws.apr

Sewer Service Area Categories Map WSCCR 04A-PVE-01 (Winchester Homes/D. Schraf, et al.)



1000 0 1000 2000 3000 Fee

MAP LEGEND **Property** WSSC/GIS Tile Grid Poolesville Sewerage Systems Gravity Sewer Mains Low-Pressure Sewer Mains Force Mains Wastewater Pumping Stations Poolesville Corporate Limits / Topography (C.I. = 5 Feet) **Buildings** Roads Sewer Service Area Categories (6/03) **Parking** S-1 Watersheds Streams Ponds - Lakes

June 2003 Update Service Area Categories Map

Montgomery County, Maryland Comprehensive Water Supply and Sewerage Systems Plan





Water & Wastewater Planning 2/28/05 -- GIS Project File: o:\wwteam\ccrs-wsheds\broadrun\2004ccrs\ 04a-pve-01=winchester-schraf=ws.apr

County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

Glen Hills Area Cases – Background: The following category change request is for several properties located in the Glen Hills area, southwest of Rockville. The 2002 Potomac Subregion Master Plan specifically addresses sewer service recommendations in the Glen Hills area, calling for the provision of public sewer service only to relieve documented public health problems, pending a study of the area's septic systems to determine the potential extent of septic problems and how to continue to support the neighborhood with on-site systems. Pending the completion of the septic system study, the master plan does not support any other provision of public sewer service in the Glen Hills area, including properties qualifying under the Water and Sewer Plan's abutting mains service policy. DEP and DPS have started work on the study, with the Lakewood Estates sanitary survey included in this transmittal packet (starting at circle pg. 41). The completion of the study for the entire neighborhood is expected to approximately one year.

TRAVILAH PLANNING AREA – GLEN HILLS AREA CASE						
Amendment No JApplicant (Owner) Property Location & Information Proposed/Existing Development	Applicant's Request/I Service Area Categoric Existing Reque	es:	Reviewing Agency Comments (Main extensions are non-CIP sized unless specified.)			
WSCCR 05A-TRV-02 Maryland Development Co. (for Marija Avramovic Estate) • 13200 Cleveland Dr. – Parcels P592, P600 & P802, Discover & Younger Brothers; Parcel P651, Wickham & Pottinger • Map tile: 217NW09; FR561 • Southeast quadrant, intersection of Cleveland Dr. and Valley Dr. • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • RE-1 Zone; 13.8 ac. • Existing use: one single-family house & 3 vacant parcels • Proposed use: 3 single-family houses	Service to the other p sewer at Overlea Dr. including Parcel P802 of this extension would disturbance to wetlan will also require rights P600. If constructed, service to approx. 120 DPS-Well & Septic: D Dr. dated 1957. Perconsultations discharging sewage in DEP follow-up comme 2005. DEP subsequer	on: "The om 600 has a the property. ublic sewer Orive across ontage." t's letter at circle pgs. e to the existing sewer main (a 1835793A). (also owned of run. Construction of the conference o	M-NCPPC Staff: Deny this request until completion of the Glen Hills sanitary study as per the 2002 master plan. The development proposal is not consistent with sewer service recommendations in the 2002 master plan, as follows: "Until a [sewer service] policy is developed, restrict further service extensions in Glen Hills to properties with documented public health problems resulting from septic system failures." However, serve Parcel P600 only through the use of the existing pressure sewer. In the extension properties are sever. In the extension would abut two additional properties, by the Avramovic estate), through which the majority for the extension would abut two additional properties, by the Avramovic estate), through which the majority for the extension would provide gravity service to Parcel form this main could provide gravity service to Parcel form this main could provide gravity service to Parcel form this main could provide gravity service to Parcel form this main could provide gravity service to Parcel form this main could provide gravity service to Parcel form the neighborhood. It permit for the existing home at 13200 Cleveland and inducted in 1963 on the vacant properties all failed. In the neighborhood in the neighborhood are septic system is damaged and may be fond. The extension would provide a single sewer connection for the sewer. This action did not affect the status of the sewer. This action did not affect the status of the sewer.			

County Executive Recommendation:

- For Parcel P600: Approve S-1, restricted to a single sewer hookup only. Public health problem.
- For Parcels P592, P561 and P802: Deny the S-3 sewer category request; maintain S-6.

Executive Staff Report: The applicant has requested a sewer category change to allow service to an existing house and for the development of several adjacent vacant parcels in the Glen Hills Neighborhood. Neither Water and Sewer Plan general sewer service policies for areas zoned RE-1 nor the Potomac Master Plan sewer recommendations currently support the provision of public sewer service to the unimproved properties. DPS verified the failure of the existing septic system for the house located on Parcel P600, which satisfies the

County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

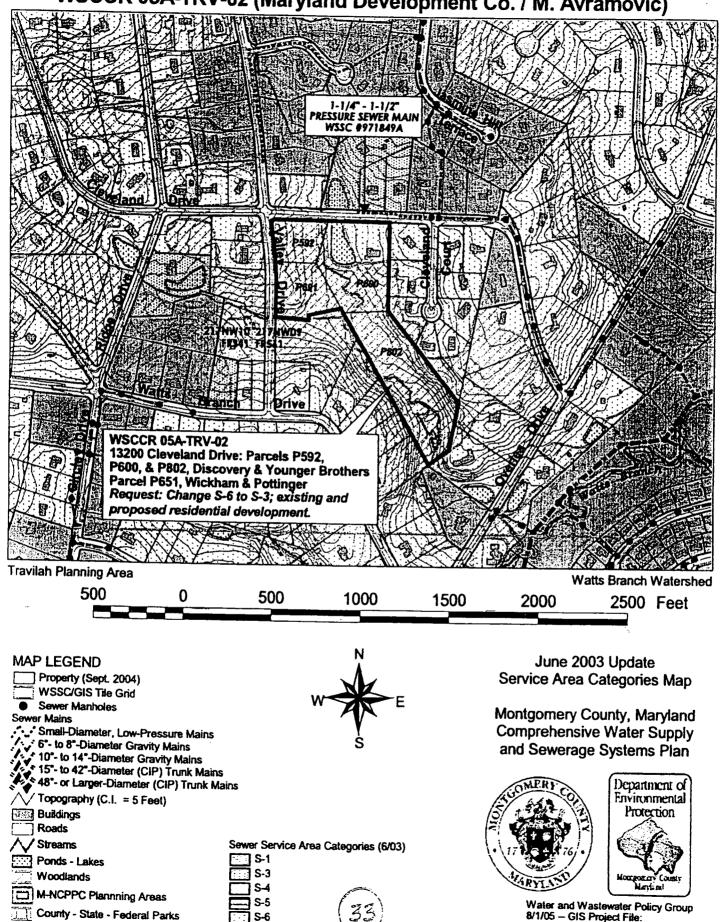
TRAVILAH PLANNING AREA – GLEN HILLS AREA CASE

conditions for restricted sewer service under the Water and Sewer Plan policies for public health problems and the master plan's recommendations for the Glen Hills area. Accordingly, DEP has already directed WSSC to provide sewer service via a single sewer hookup for the existing house from an abutting low-pressure sewer main located along Cleveland Drive.

WSSC has not considered this existing low-pressure sewer as a means for providing sewer service for the remainder of the property. WSSC service policies strongly favor the use of gravity sewer mains rather than pumped sewerage systems wherever possible. While the extension of a gravity sewer main up along the Watts Branch tributary through Parcel P802 certainly presents concerns with regard to environmental impacts, it does offer a logical means of serving these properties and a significant portion of the neighborhood. We do not see this sewer extension alignment issue as an immediate concern. WSSC will provide service to the existing house with the public health problem from the abutting pressure main, and we have recommended the denial of sewer service for the vacant properties. However, the outcome of the sanitary survey may bring us back to addressing these types of issues, if not within this part of the neighborhood, then possibly in others.

January 8, 2006: TRV - Page 2

Sewer Service Area Categories Map
WSCCR 05A-TRV-02 (Maryland Development Co. / M. Avramovic)



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County Executive's Transmittal Packet – January 2006: Map Amendment Summary Information Table

Greenbriar Branch Watershed Cases – Background: The following map amendment cases are both located within the Greenbriar Branch subwatershed of Watts Branch, and are both zoned RE-2. Although generally zoned for lower-density residential development, portions of this subwatershed have received approval for public sewer service. Existing sewer service was approved under the guidance of the 1980 master plan for Potomac, which did allow for some extension of service into areas zoned for two-acre development.

Under the updated 2002 master plan, sewer service to low-density development is almost completely constrained, following the policy directions established in the Water and Sewer Plan. The Greenbriar Estates projects, located north of Glen Road, are supported by public sewer service in order to achieve the cluster development and open space preservation objectives of the RNC Zone. The new master plan also allows for limited service at the edges the sewer envelope. In order to be considered for sewer under the master plan's guidance, properties must be located at the edge of the recommended public service envelope and must not require sewer extensions which affect streams or stream buffer areas. The master plan emphasizes sewer main extensions, if required, that can be located within public rights-of-way. Some portions of the master plan area are restricted from this exception to the general sewer service policies, due to either environmental concerns or the expected limitations of public sewerage systems.

TRAVILAH PLANNING AREA		
Amendment No.JApplicant (Owner) Property Information Development	Applicant's Request/Explanation: Service Area Categories Existing Requested	Reviewing Agency WSSC and DPS Comments (WSSC Main extensions are non-CIP sized unless specified.)
WSCCR 05A-TRV-06 Laurana Coleman Reed 11641 Glen Rd. – Parcel P103, Piney Grove Map tile: 215NW11; FQ122 Northwest side of Glen Rd., south of Great Elm Dr. Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) RE-2 Zone; 5.00 ac. Existing use & proposed use: service for the expansion of the existing single-family house	W-1 No Change S-6 S-3 Applicant's Explanation: "I would like a sewer category change so that I can put an addition on my house and a pool in my yard that would be consistent with my neighborhood and with the 2002 Potomac Master Plan recommendations under the peripheral service policy.	M-NCPPC Staff: Consistent with sewer service recommendations on page 23 of Master Plan. i.e. Allow for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. The property confronts the sewer service envelope on Great Elm Drive, immediately across Glen Road. Approve S-3 recommended. WSSC-Sewer: Service will require a 600' sewer main extension from an existing 8"-dia. main located in a right-of-way in the Great Elm Farm subdivision southwest of the subject property (#919015B). The extension will consist of a 200' gravity main and a 400' low-pressure sewer. The extension would abut three additional properties and require rights-of-way. The property would be served by an on-site grinder pump. WSSC notes that grinder pump systems can cause odor problems in the area of the receiving gravity sewer. WSSC will evaluate the proposed pressure system for odor potential and may deny approval of systems which do not satisfy their established odor mitigation criteria. DPS-Well & Septic: This office has no record of the existing septic system – the house was built in 1903. Well & Septic would be unable to approve any living space additions to the house without successful water table and percolation tests.

County Executive Recommendation: Approve S-3; service is provided under the recommendations in the 2002 Potomac Subregion Master Plan allowing for the consideration of sewer service at the periphery of the public service envelope.

Executive Staff Report: The applicant is seeking the approval of public sewer service in order to allow for the expansion of her existing single-family house. Although public sewer service is not generally intended to support development on properties zoned for a two-acre density, the master plan does allow for the consideration of exceptions for properties at the edge of the sewer envelope. (Please see the preceding background discussion.)



County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

TRAVILAH PLANNING AREA

This property confronts the sewer envelope across Glen Road at the Great Elm Farm subdivision, a neighborhood approved for public sewer service under the recommendations of the prior 1980 master plan. WSSC reports that a gravity/pressure sewer extension from an existing main in this neighborhood can provide service to the property. Although this extension does not follow an established public right-of-way, neither does it affect streams or stream buffers. The extension will only traverse properties already approved for public sewer service. The applicant is cautioned that she will likely have to provide the entire cost of the sewer main extension, either through front foot benefit assessments or construction deficit charges.

Note that the subject property is also at the edge of the sewer envelope with respect to the adjacent Greenbrian Estates properties to the north and west. The sewer service recommendations in the 2002 master plan do not allow public sewer access for properties at the periphery of this project. The Greenbriar Estates pressure sewerage system is designed strictly for that project and is not intended to serve as an option for additional pressure sewer connections or extensions.

Amendment No./Applicant (Owner) Property Information Development	Service Area Categories	Reviewing Agency WSSC and DPS Comments
WSCCR 05A-TRV-07 Vincent Burnett 11760 Glen Rd. – Parcel P896, Beallsmount Map tile: 216NW12; EQ563 West side of Glen Rd., north of Great Elm Dr. Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) RE-2 Zone; 10.3 ac. Existing use & proposed use: service for the expansion of the existing single-family house	W-1 No Change S-6 S-3 Applicant's Explanation: "I would like a sewer category change so that I can put an addition on my house that would be consistent with the neighborhood and with the 2002 Potomac Master Plan recommendations under the peripheral service policy." served by an on-site grinder pump. odor problems in the area of the recomproposed pressure system for odor do not satisfy their established odor DPS-Well & Septic: The septic system of the well was drilled in 1978. The failed for a deep trench, a shallow treats of the recomposed pressure system of the well was drilled in 1978. The failed for a deep trench, a shallow treats of the recomposed pressure system of the well was drilled in 1978. The failed for a deep trench, a shallow treats of the recomposed pressure system of the recomposed pressure system of the recomposed pressure system for odor do not satisfy their established odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy their established of the recomposed pressure system for odor do not satisfy the recomposed pressure system for odor do not satisfy the recomposed pressure system for odor do not satisfy the recomposed pressure system for odor do not satisfy the recomposed pressure system for odor do not	M-NCPPC Staff: Proposal is inconsistent with the sewer service recommendations on page 23 of the 2002 Potomac Subregion Master Plan. The property does not abut the sewer service envelope and does not qualify under the peripheral service policy. Recommendation: Deny. WSSC-Sewer: Service will require a 400' low-pressure sewer main extension from the existing pressure main located at Great Elm Dr. and Glen Rd. (#DA3523A03). The extension would abut three additional properties. The property would be WSSC notes that grinder pump systems can caus serving gravity sewer. WSSC will evaluate the

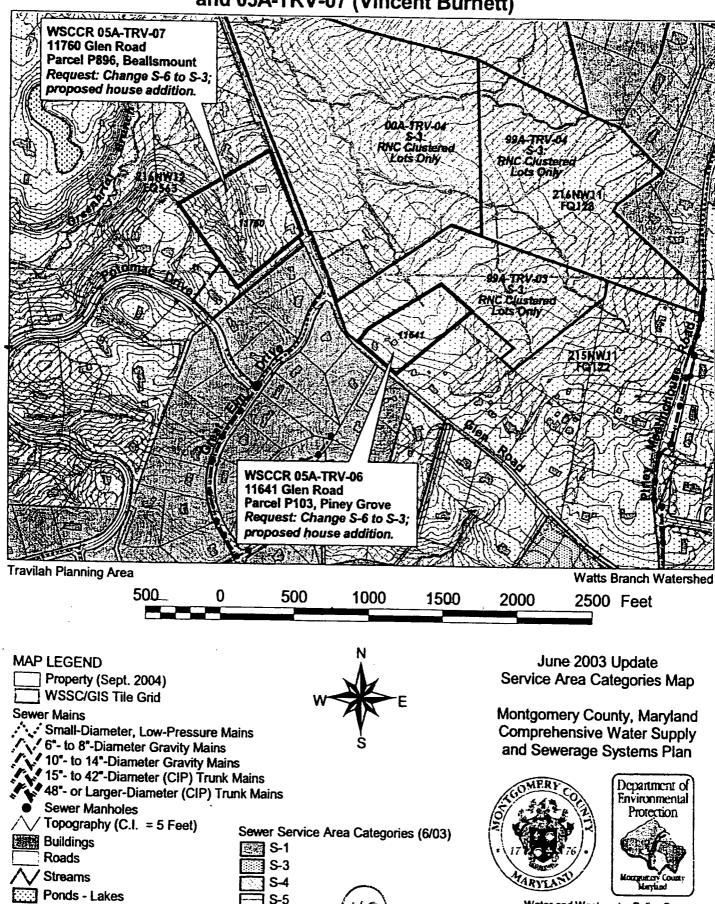
County Executive Recommendation: Deny the S-3 sewer request; maintain S-6.

Executive Staff Report: The applicant is seeking the provision of public sewer service in order to enlarge the existing house on the property. The provision of sewer service to areas zoned RE-2 is generally inconsistent with Water and Sewer Plan service policies and the recommendations of the 2002 Potomac Subregion Master Plan.

The applicant cites as justification for approval the sewer service recommendations which allow for consideration of properties at the edge of the public service envelope (see above). However, the site is adjacent (confronting across Glen Road) to the envelope only at the Greenbriar Preserve project, which the master plan does not include in this sewer service policy exception. A property adjacent to Mr. Burnett's was approved for sewer service under the peripheral service policy exception. However, that action does not allow the policy exception to cascade to other non-qualifying properties.

The DPS report does raise a concern with regard to the existing septic system; however, the failure of that septic system has not been confirmed for DEP. In the event that a documented failure occurs, DEP and DPS have the authority to address relief of a public health problem through the appropriate policies and procedures established in the Water and Sewer Plan. Based on DPS' comments, it appears unlikely that an on-site repair or replacement of the existing system is possible.

Sewer Service Area Categories Map WSCCRs 05A-TRV-06 (Laurana Coleman Reed) and 05A-TRV-07 (Vincent Burnett)



Woodlands

Water and Wastewater Policy Group

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County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

Public Health Problem Area – Lakewood Estates/Travilah Planning Area

Background: Residents of the neighborhood in the vicinity of Cherrydale and Silver Brook Drives in the Lakewood Estates neighborhood contacted DEP with concerns about their septic systems. Since the 2002 update of the Potomac Subregion Master Plan, the County has granted numerous sewer service category changes to properties in this area. This master plan recommended changes to the Piney Branch Restricted Sewer Access Policy which now allows for public sewer service to these lots. (Under the prior policy, new development in the neighborhood could receive public sewer service, but older lots could only receive public sewer based on an existing or anticipated public health problem.) The owners of the older properties in Lakewood Estates expressed concern about their ability to replace their aging septic systems, especially given the size of their lots, many of which are approximately one-half acre in size.

Although now eligible for public sewer service without the need to establish a septic-based health problem, a number of residents in the community have sought a general health problem designation in the Water and Sewer Plan to both reflect their serious concerns regarding their existing conditions and to gain the benefits normally granted to such areas. These benefits include priority for sewer service connections and main extensions and health subsidies for main extensions. DEP initiated and DPS conducted the requested sanitary survey of 32 lots in the neighborhood in Spring/Summer 2005. The survey area totaled 19.57 acres, excluding public roads. DEP selected the survey area to specifically address those older properties in the neighborhood that had initially developed on septic systems, and that previously had been denied general access to public sewer service. The properties north of Valley and Cherrydale Drives are zoned R-200; the properties to the south are zoned RE-1.

County Executive's Recommendation: Establish a public health problem area in the Water and Sewer Ptan that includes the Lakewood Estates sanitary survey area. DEP will work with the neighborhood on a general category map amendment (from S-6 to S-1 or S-3) to make all properties within the designated health problem area eligible for public sewer service. The map amendment will be addressed via the administrative delegation process.

Executive Staff Report: The DPS Well and Septic Section performed a file search of existing septic permit records and conducted field surveys and inquiries with residents in the course of the survey. DEP staff evaluated the results of the sanitary survey conducted by the DPS. DEP staff assigned a "level of health concern" based factors such as survey results, property characteristics, and recently documented health problems. Those properties identified as having a high" concern have had recent septic system failures that have required the provision of public sewer service. Those identified as "moderate" have some combination of factors that raise a concern about the feasibility of replacing the existing septic system. These include:

- Small property size (close to one-half acre),
- Lack of existing septic testing or permit records
- 1960's-era systems which have no septic reserve areas identified, and
- Close proximity to a recent, documented septic failure that required public service relief.

Properties with a "low" level of concern generally lacked the preceding concerns, and had either relatively larger lot areas in which to site a replacement system, or a more modern septic system repair or replacement which was more likely to meet current on-site system regulations. These issues are identified for each property in the survey area in the table stating at circle pg. 42. DEP's interpretation of the survey results shows that 25 of the 32 surveyed properties, or approximately 78 percent, have a moderate or high level of health concern. This reflects a sufficient concern about existing and anticipated health problems to warrant the designation of these properties collectively as a public health problem area.

Recent cases involving public health problem areas have addressed properties located outside of the acknowledged public water or sewer service envelopes: e.g. The Corral Drive (Potomac), Tune Avenue (Damascus). In these cases, the establishment of health problem designation allowed properties outside the envelope access to public water or sewer service where such service would not generally be provided. In the case of Lakewood Estates, all of the surveyed properties can be considered suitable for public sewer service. Many of these properties have received sewer category changes from S-6 to S-3 through the administrative delegation process. Health problem area cases have typically been coupled with a general category map



County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

amendment which proposes to change the service area categories of the affected properties to allow public service. Because this health problem area does not have a pending category change request, and because the properties can be considered for sewer service without the health designation, we have not yet prepared a sewer category change amendment for these properties. DEP will begin work with the neighborhood on a general category map amendment which will move these properties from S-3 and S-6 to S-1 and S-3, as appropriate. This category change will be handled through an upcoming administrative delegation group.

Existing mains can provide sewer service to approximately half of the properties in the survey area. The existing main extension along Aqua Lane and Lakewood Court was constructed in response to septic system failures on those streets. A proposed sewer extension project along Cherrydale and Silver Brook Drives, WSSC #AS3576Z03, will provide service to all of the remaining properties.

Survey Results and DEP Evaluation: The following table and the neighborhood map at circle pg. 45 summarize the survey's findings:

Kay to #	1 aval = (1) = 11 =	-30 1 10	hei rie:	s: DEP/DPS Sanitary	Survey Results		
Key to "Level of Health Concern":			LOW	MODERA	TE	HIGH	
Street Lot & Block Categories Address Date Built - Size Water Sewe			Owner(s)	DEP Comments DPS-Well & Septic: Survey Re		Septic: Survey Results and Level of Health Concern	
Aqua La	ne Properties	·		1		<u> </u>	
#13600	Lot 5, Block 4 1965 – 0.67 ac.	W-1	S-6	Steven & A.S. Kohn	Sewer abuts.	area estat	on system. Repair: No reserve plished; testing for a drip or ttem may be possible.
#13601	Lot 7, Block 5 1999 – 0.49 ac.	W-1	S-1	Yital Hu	Sewer abuts. Using sewer; served in error.	No septic	· · · · · · · · · · · · · · · · · · ·
#13604	Lot 6, Block 4 1965 – 0.52 ac.	W-1	S-6	Leonid Podrabinnik & Marian Gaivoronskaia	Sewer abuts; adjacent to recent failure.	1983 trend lagoon). F may be po	ch system (replaced 1964 Repair: a drip or trench system essible.
#13605	Lot 8, Block 5 1974 – 0.54 ac.	W-1	S-3	Sandor Boyson & Margarita Rodriguez	Using sewer; public health case	Prior health problem case.	
#13609	Lot 9, Block 5 1973 – 0.48 ac,	W-1	S-6	Ho & J.H. Kim	Sewer abuts; adjacent to recent failure.	1973 trench system. Repair: No resentarea established; testing for a drip or trench system may be possible.	
#13613	Lot 10, Block 5 1962 – 0.46 ac.	W-1	S-6	Victor Stekoll & Susan Levi	Sewer abuts; connection installed; adjacent to recent failure.	1962 lagor area estab trench sys	on system. Repair: No reserve dished; testing for a drip or tem may be possible, but nning for public sewer when
Cherryd	ale Drive Propertie	es			<u> </u>	7	
#13600	Lot 3, Block 5 1962 – 0.53 ac.	W-1	S-3	George & Sharon Smrthwick	Sewer on Valley Dr. abuts.	repaired or established	records; may have been noce. Repair: No reserve area d; testing for a drip or trench by be possible.
#13601	Lot 2, Block 2 1977 – 1.16 ac.	W-1	S-6	David & K. Anderson	1+-acres; more area for on-site repair	area estab	records. Repair: No reserve lished; testing for a drip or tem may be possible.
#13604	Lot 2, Block 5 1962 – 0.47 ac.	W-1	S-3	Robert & D. Reiderer		1961 trenc area estab	h system. Repair: No reserve fished; testing for a drip or em may be possible.
#13605	Lot 3, Block 2 1961 – 0.93 ac.	W-1	S-3	Judith Knight, et al.	1+-acres; more area for on-site repair	1983 trend	h system. Repair: drip or em may be possible.

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COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

Lakew(Jou Estates - R.	ZUU Pro	pertie	s: DEP/DPS Sanitary	Survey Results		
Key to "	Level of Health Co	oncern"	:	LOW	MODERA	TE	HIGH
Street Address			Owner(s) DEP Comments		DPS-Well & Septic: Survey Results an Comments - Level of Health Concern		
#13609	Lot 4, Block 2 1961 – 0.92 ac. W-1 S-3		Paul & Laura Yazge	1-acre; more area for on-site repair	1983 trend trench sys	ch system. Repair: drip or tem may be possible.	
Lakewo	od Court Propertie	es				1	
#13613	Lot 7, Block 4 1976 – 0.63 ac.	W-1	-5 -6	Joseph & Linda Kobylski	Sewer abuts.	area estab trench syst Jan. 2005	h system. Repair: No reserve dished; testing for a drip or tem may be possible; update: existing system has er seeking sewer from ain.
#13705	Lot 11, Block 5 1962 – 0.51 ac.	W-1	· S-6	Edward Atkins, <i>et al.</i> Trust	Sewer abuts; connection in- stalled; adjacent to recent failure.	trench syst	h system. Repair: drip or tem may be possible, but uning for public sewer when s.
#13709	Lot 12, Block 5 1962 – 0.46 ac.	W-1	S-3	Brent & Lisa Goodman Goldstein	Sewer abuts; public health case	area establ	h system Repair: No reserve lished; public sewer service ded. Prior public health case.
#13713	Lot 13, Block 5 1972 – 0.49 ac.	W-1	S-6	Mitchell & P.M. Belzer	Adjacent to recent failure.	1970 trend area establ	h system. Repair: No reserve lished; testing for a drip or em may be possible.
Silver B	rook Drive Propert	ies					y co possible.
#9900	Lot 1, Block 5 1961 – 0.50 ac.	W-1	S-3	John & Lois McInnes		drywells). F	h system (replaced 1960 Repair: pump to drip, trench or d system in front yard may be
#9901	Lot 1, Block 6 1961 – 0.48 ac.	W-1	, 66. S	E. Valerie Newkirk, et al.		area establ	ell system. Repair: No reserve ished; testing for a pumped ch system may be possible.
#9905	Lot 2, Block 6 1961 – 0.47 ac.	W-1	S-3	Frederick & P.M. Evans		1989 trenct drywells). R	n system (replaced 1963 Repair, a pumped drip or em may be possible.
#9909	Lot 3, Block 6 1961 – 0.47 ac.	W-1	S-3	Elizabeth Tennery, et al.		area establi	ell system. Repair: No reserve ished; testing for a drip or em in back yard may be
#9912	Lot 21, Block 5 1961 – 0.60 ac.	W-1	S-3	Kenneth Kofsky & Lora Green		1961 drywe	3 trench systems (replaced list). Repair: trench system in or drip system in back yard.
#9913	Lot 4, Block 6 1961 – 0.51 ac.	W-1	S-3	John & L.S. Sheehan		1991 trench drywells). R	system (replaced 1963 depair: trench system in back o system in front yard.
#9917	Lot 5, Block 6 1961 – 0.53 ac.	W-1	*S-6 -	Edward & Sylvia Sasnett		1962 drywe	Il system. Repair: drip or em in back yard may be
#9920	Lot 10, Block 6 1961 – 0.46 ac.	W-1	S-3	Stephen & E.R. Cohen		1984 trench drywells). R may be pos	system (repair of 1962 epair: drip or trench system sible.
#9921	Lot 6, Block 6 1961 – 0.48 ac.	W-1	- X- 4	William & M.H. Druckenbrod	Adjacent to recent failure.	area establi:	Il system. Repair: No reserve shed; testing for pumped drip stem may be possible.

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COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

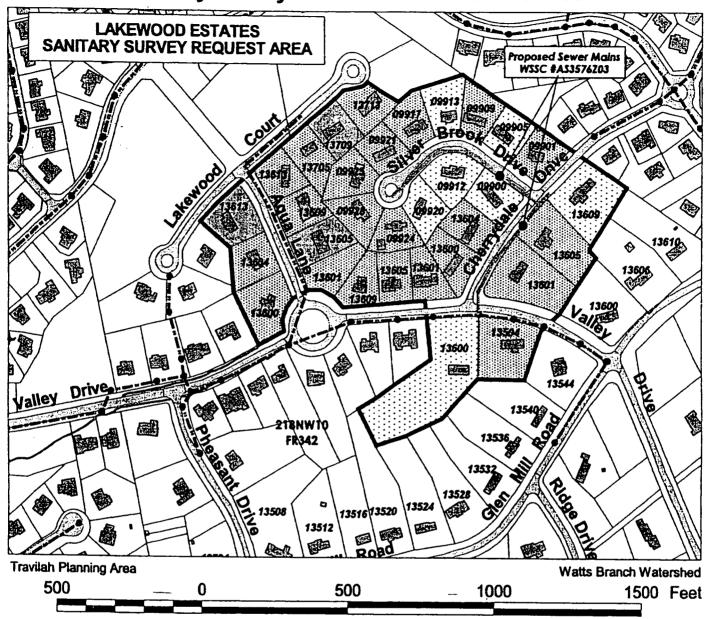
County Executive's Transmittal Packet – January 2006: Map Amendment Summary Information Table

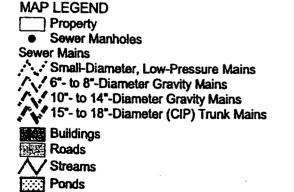
Lakewo	ood Estates - R-	200 Pro	pertie	s: DEP/DPS Sanitary	Survey Results		
Key to "Level of Health Concern":						RATE HIGH	
Street Address	Lot & Block Date Built - Size	Categories		Owner(s)	DEP Comments	DPS-Well & Septic: Survey Results and	
		vvater	Sewer	· · · · · · · · · · · · · · · · · · ·	DE: COMMENTS	Comments - Level of Health Concern	
#9924	Lot 9, Block 6 1961 – 0.46 ac.	W-1	S-3	Gerald & D.L. Silbert		1979 trench system (replaced 1962 drywells). Repair: drip system over existing trenches may be possible. Topographic constraints on site.	
#9925	Lot 7, Block 6 1961 – 0.51 ac.	W-1	S-3	John & K.M. Connors	Adjacent to recent failure.	1980 trench system (replaced 1962 drywells). Repair: drip or trench system may be possible.	
#9928	Lot 8, Block 6 1961 – 0.50 ac.	W-1	S-3	Jay & Sherri Eichberg	Adjacent to recent failure.	2003 tank and 1980 trench system (replaced 1962 drywells). Repair: drip or trench system may be possible. Topographic constraints on site.	
Valley D	rive Properties				<u> </u>	repegation constitution on site.	
#13504	Lot 11, Block 1 1961 – 0.92 ac.	W-1	S-6	John & D.E.J. Phelan	1-acre; more area for on-site repair. Sewer abuts.	1961 drywell system. Repair: drip or trench system in may be possible. Owner prefers to repair septic when necessary	
#13600	Lot 12, Block 1 1978 – 2.02 ac.	W-1	S-6	Aura Sanchez, <i>et al.</i> Trust	1+-acre; more area for on-site repair. Sewer abuts.	1977 trench system. Repair: drip or trench system in may be possible, but owner has tap and will connect to sewer when system fails	
#13601	Lot 4, Block 5 1962 – 0.46 ac.	W-1	S -6	Joshua Korsower	Sewer abuts.	1962 drywell system. Repair: No reserve area established; testing for a drip or trench system is likely.	
#13605	Lot 5, Block 5 1962 – 0.48 ac.	W-1	S-6-	John Hoff, et al. Trust	Sewer abuts.	1962 drywell system. Repair: No reserve area established; testing for a drip or trench system is likely.	
#13609	Lot 6, Block 5 1962 0.46 ac.	W-1	S-6	Timothy & A.A. Gilbert	Sewer abuts.	1962 drywell system. Repair: No reserve area established; testing for a drip or trench system is likely.	

R:\Programs\Water_and_Sewer\Projects\CWSP-AMEND\COUNCIL\packets\2000s\2006jan\CEpacket-tables\trvIbl=lakewood-estates-health.doc



Sanitary Survey Results: Lakewood Estates





Sanitary Survey Results: Level of Health Concern

Sanitary Survey Area

High

Low

Moderate

W E

JUNE 2003 UPDATE
SERVICE AREA CATEGORIES MAP
Montgomery County, Maryland
Comprehensive Water Supply
and Sewerage Systems Plan

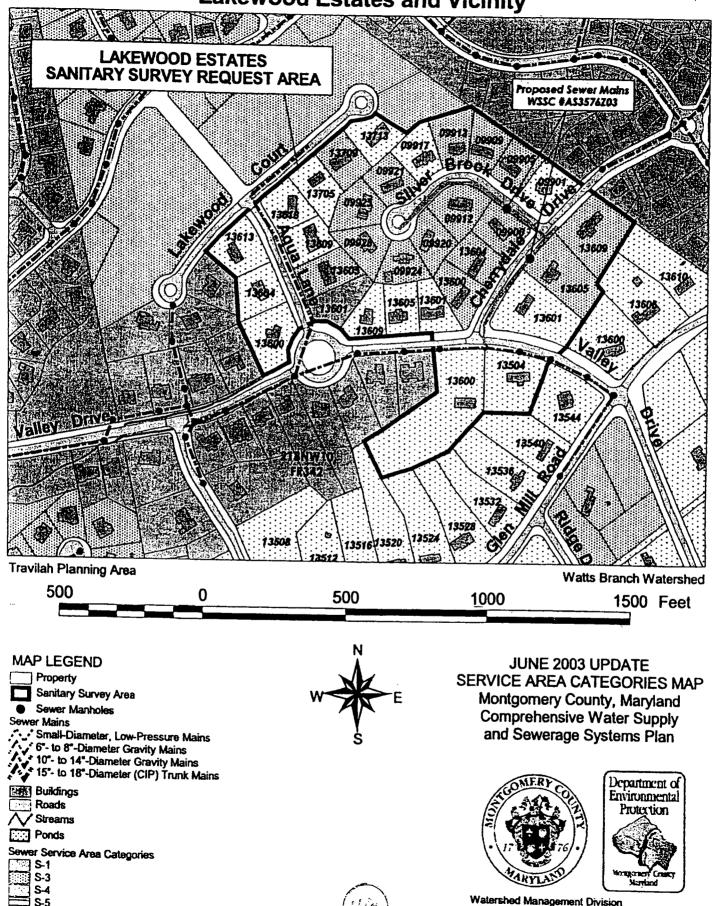




Water and Wastewater Policy Group

1/8/06 – GIS Project File:
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glenhills-lakewood\lakewood_ests-pt1-bw=trv.apr

Sewer Service Area Categories Map: Lakewood Estates and Vicinity



S-6

1/9/06 - GIS Project File:

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COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet – January 2006: Map Amendment Summary Information Table

Private Institutional Facility (PIF) Cases – Background: The following map amendment involves a proposal from a non-profit group, or what the Water and Sewer Plan defines as private institutional facility (PIF). The PIF policy in the Plan creates the *limited opportunity* for exceptions to the Plan's general public service policies, allowing the provision of public water and/or sewer service for PIF uses where other residential or commercial development could not normally qualify for such service. However, recent category change amendments addressed under the PIF policy have raised questions about the use of this special service policy, especially in the rural areas of the county. (See circle pgs. 49-51 for the text of the PIF policy.)

The County Council recently reviewed the recommendations of an interagency working group formed to address the Council's concerns such as public water and sewer service, imperviousness and watershed protection, and land use priorities with regard to private institutional uses. The Council chose to amend the PIF policy based on the working group's recommendation. However, the changes to the policy—which prohibit the provision of public service for PIFs in the County's agricultural reserve area—do not affect the disposition of this request for property zoned Rural Cluster (RC).

PRIVATE INSTITUTIONAL FACILITY (PIF) CASES – OLNEY PLANNING AREA					
Amendment No./Applicant (Owner) Property Location & Information Proposed/Existing Development		puest/Explanation	Reviewing Agency Comments (WSSC Main extensions are non-CIP sized unless specified.)		
WSCCR 05A-OLN-02 Parker Memorial Baptist Church (for R. Jones Estate) • 1601 Norbeck Rd. — Parcels P905, P907, & P909, Batchellors Forest Etc • Map tile: 222NW02; JS123 • North side of Norbeck Rd. (MD 28) west of Layhill Rd. (MD 182) • Olney Master Plan (2004) • Northwest Branch Watershed (MDE Use IV) • RC Zone; 8.39 ac. • Existing use: existing single-family house and two vacant parcels • Proposed use: house of worship (a plan for the site has not yet been provided)	Water and S 2) The propert developed us and sewer so Norbeck Rd. area is withir Quadrant of Plan, where is recommen water and se	nt is applying F policy in the ewer Plan y confronts areas sing public water ervice south of The surrounding n the Southeast the Olney Master much of the area aded for public ewer service.	M-NCPPC Staff: The 2004 Olney Master Plan does not include this property in its proposed sewer envelope. The applicant is proposing a private institutional facility (PIF). Because no preliminary plan has been filed, the compatibility of the use with adjacent low-density residential areas cannot be determined. The master plan recommends minimizing imperviousness in the Batchellors Forest Tributary and maintaining the existing forest cover to protect the stream quality. Approve W-1, S-1 under the PIF policy, conditioned upon a preliminary plan that minimizes imperviousness to approximate that expected with the underlying zone, maintains a significant amount of the existing forest and buffers adjacent residential uses. WSSC-Water: Service will require a 500' main		
 3) The site satisfies the abutting mains Plan for public water service. A 42" w Norbeck Rd. (A 10" sewer main is loc owned land.) 4) A private 500' sewer extension could adjacent property. Lots to the west at developed using septic systems (c. 1 County-owned and not subject to priv properties surrounding the site would to the church. * see circle pg. 53 for the applicant's full the church of the church of	rater main abute ated 500' east of not be used to north are recessed. The properate developmeneed service fi	s the site along on County- serve any corded and erty to the east is out. None of the	extension east from the existing 12" main near the intersection of Norbeck Rd. and Whitehaven Rd. (#825314A). The extension will abut one additional property; rights-of-way may be required. Construction will involve work along Norbeck Rd. (A 42" transmission main abuts the site; however, direct service connections to mains of this size are not allowed.) WSSC-Sewer: Service will require a 500' main extension west from the existing 10" main located north of intersection of Norbeck and Layhill Rds. The extension will abut one additional property; rights-of-way will be required. DPS-Well & Septic: Previous percolation tests on these parcels were unsatisfactory. The construction of a church without sewer is not a possibility.		

<u>County Executive's Recommendation</u>: Defer action of the W-3/S-3 water and sewer category request, pending the church's presentation of a development concept plan for the subject site. This plan must at least provide a general layout of the structures and driveway/parking areas to allow an estimate of the impervious surface proposed.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

PRIVATE INSTITUTIONAL FACILITY (PIF) CASES - OLNEY PLANNING AREA

Executive Staff Report: The applicant has requested a water and sewer category change in support of a proposed relocation and expansion of an existing religious institution. Given the recommendations of the recently-updated Olney Master Plan (2004), this request needs to be considered under the Water and Sewer Plan's PIF policy, as public water and sewer service would not be generally available to the site, which is zoned Rural Cluster (RC). At this time, the applicant has not provided a plan which shows their proposal for development of the subject site. As the Council considers each PIF request on a case-by-case basis, the opportunity for the Councilmembers to review at least a general site concept for a PIF project has become an important part of the evaluation of these requests. Absent any plan for this project, the request for public water and sewer service should be deferred until the applicant provides a plan for the Council's review.

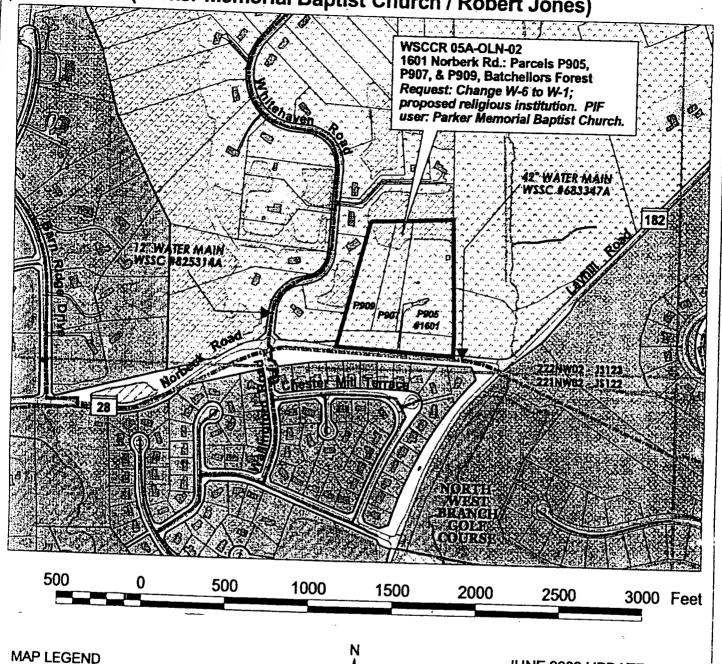
In other regards, the provision of public water and sewer is consistent with the PIF policy requirements. Public service can be extended to the site without opening up service to any property not otherwise eligible for such service. Under the PIF policy, the approval of public service must be restricted to a PIF use, and specifically to the applicant's use.

The required water main extension will abut only properties approved for and with access to public water service. A mapping error incorrectly identifies the properties located along Whitehaven Rd. as category W-6; the correct category is W-1. (Note: The applicant's assumption that service could be provided from the 42-inch water main along Norbeck Road under the Plan's abutting mains policy is not correct. WSSC does not allow direct connections to transmission mains of this size.)

The required sewer mains extension would abut or traverse only one property designated as category S-6: County-owned property recently acquired as a Legacy Open Space (LOS) site. The extension would cross a tributary of Northwest Branch; this part of the LOS site is largely open fields without many trees. The recommendation for this amendment does note that M-NCPPC will likely need to issue a permit for the sewer to cross County park land. M-NCPPC would also consider the sewer alignment as part of the preliminary plan review. The remaining properties in the vicinity of the sewer extension are already designated as category S-1.

At this time, the Water and Sewer Plan and the PIF policy do not contain any specific direction with regard to impervious surface restrictions for private institutional land uses. The Council recently rejected a proposed zoning text amendment which would have established broad based impervious limits by zone in the County's rural and rural estate zones. Instead, the Council request that agency staff to investigate establishing watershed-based impervious limits. However, in two recent cases—the Lutheran Church of St. Andrew and the People's Community Baptist Church—also within the Northwest Branch watershed, the Council has indicated a preference for a voluntary impervious limit of 25 percent.

Water Service Area Categories Map: WSCCR 05A-OLN-02 (Parker Memorial Baptist Church / Robert Jones)



Property (Apr. 2005) WSSC/GIS Grid Water Mains √ 8"- or Smaller-Dia. Mains 10" to 15"-Dia. Mains 16"- to 24"-Dia. (CIP) Mains 30",- to 42"-Dia, (CIP) Mains *48"- or Larger-Dia. (CIP) Mains * No Individual Connections **Buildings** Water Service Area Categories (06/03) Roads W-1 **Streams** W-3 **Ponds** W-4 Woodlands W-5 **Parks** W-6

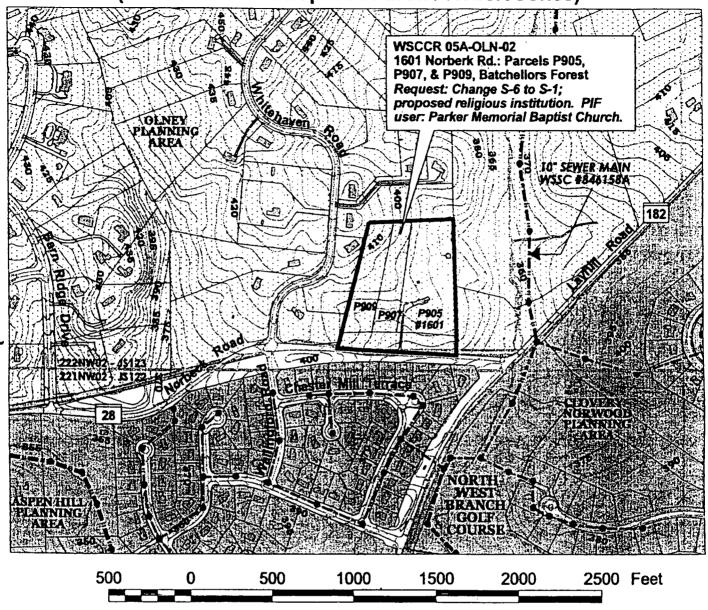
JUNE 2003 UPDATE
SERVICE AREA CATEGORIES MAP
Montgomery County, Maryland
Comprehensive Water Supply
and Sewerage Systems Plan





Water and Wastewater Policy Group 7/28/05 - GIS Project File: o:\wwteam\wsccrs-pas\olney\2005ccrs\ 05a-oln-02=parker_mem_bap_church=ws.apr

Sewer Service Area Categories Map: WSCCR 05A-OLN-02 (Parker Memorial Baptist Church / Robert Jones)



MAP LEGEND Property (Apr. 2005) WSSC/GIS Grid Sewer Manholes Sewer Mains Small-Diameter, Low-Pressure Mains 6"- to 8"-Diameter Gravity Mains 10"- to 14"-Diameter Gravity Mains 15"- to 18"-Diameter (CIP) Trunk Mains 20"- to 42"-Dia. (CIP) Mains No Individual Connections Sewer pressure sewer as brift sho



JUNE 2003 UPDATE
SERVICE AREA CATEGORIES MAP
Montgomery County, Maryland
Comprehensive Water Supply
and Sewerage Systems Plan

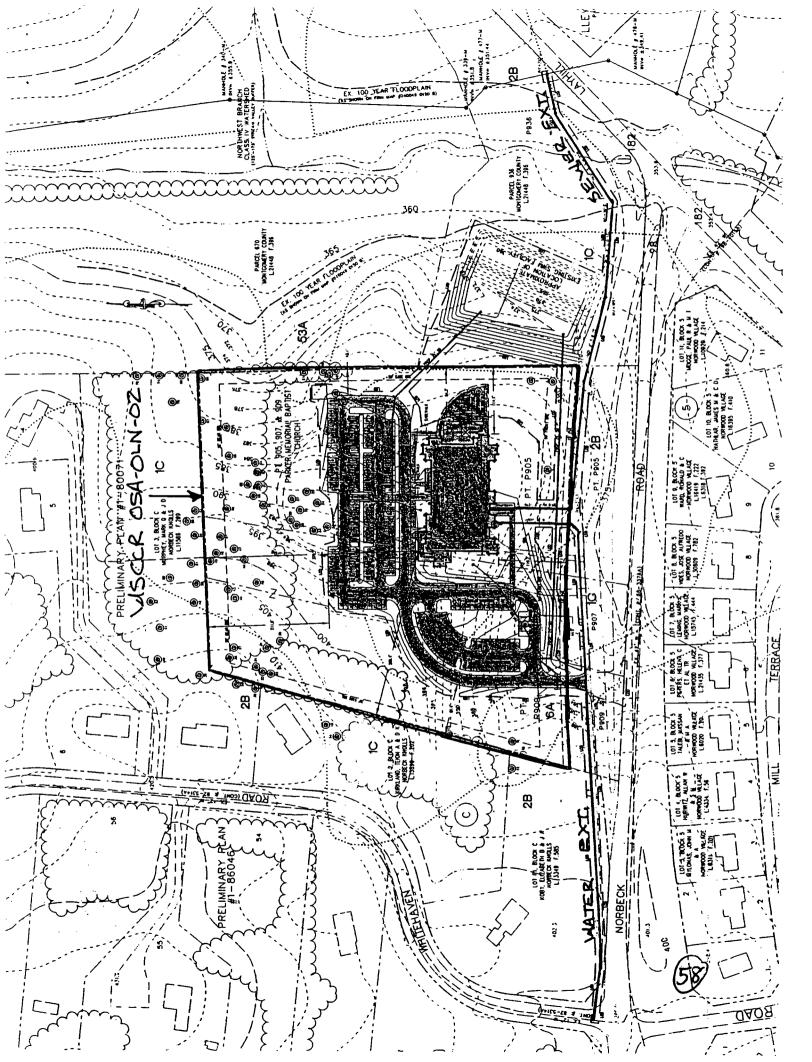


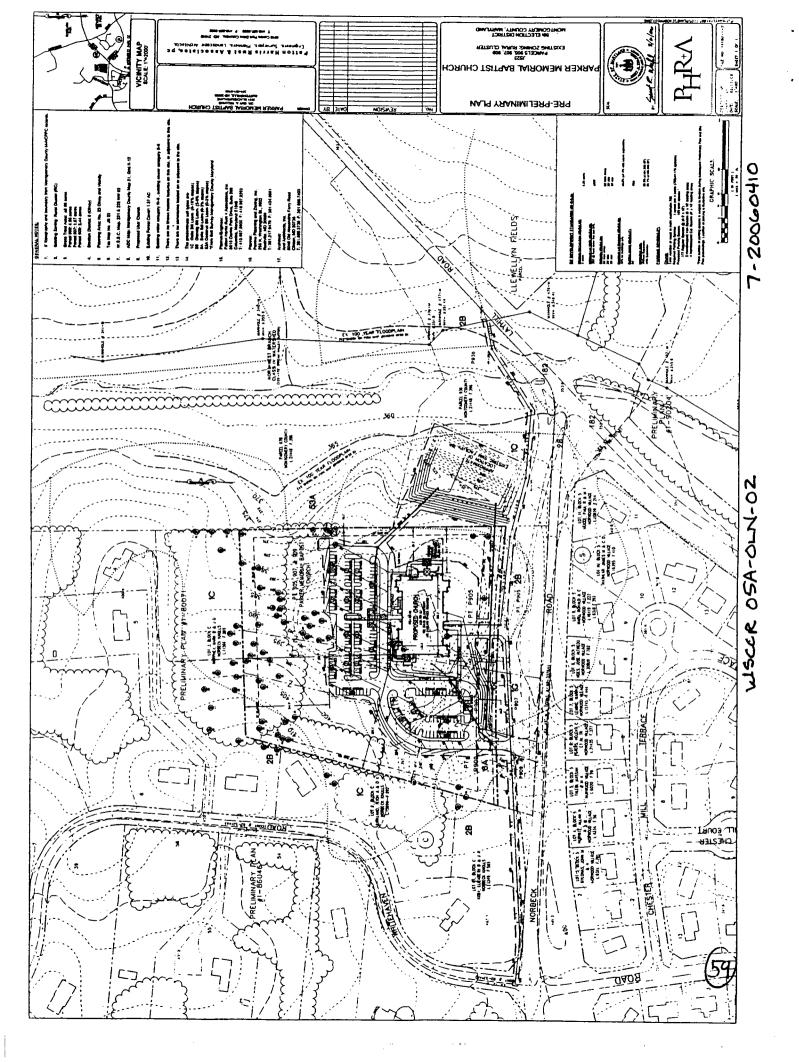


Water and Wastewater Policy Group 7/28/05 - GIS Project File: o:\wwteam\wsccrs-pas\oiney\2005ccrs\ 05a-oin-02=parker_mem_bap_church=ws.apr

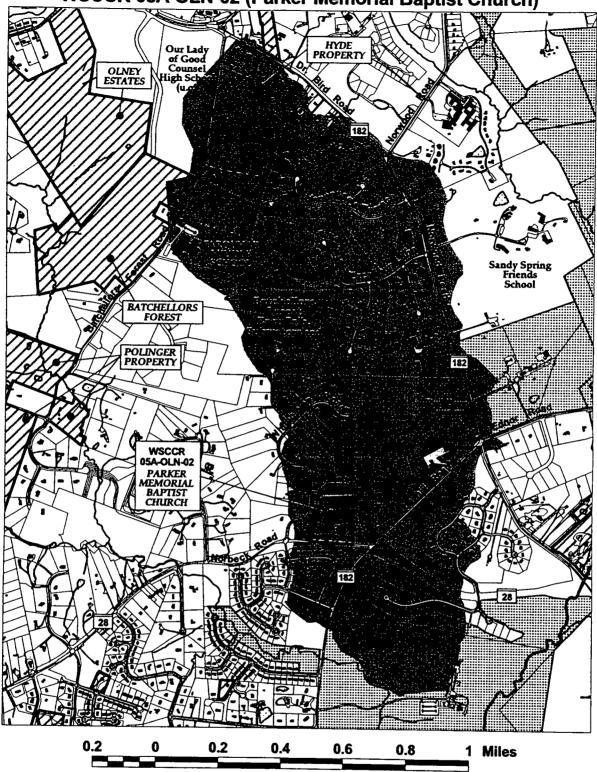
6"- to 18"-Diameter Gravity Mains
10"- to 14"-Diameter (CIP) Trunk Mains
20"- to 42"-Dia. (CIP) Mains
20"- to 42"-Dia. (CIP) Mains
48"- or Larger-Diameter (CIP) Trunk Mains
No Individual Connections
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Topography (C.I. = 5 Feet)
Buildings
Roads
Sewer Service Area Categories (06/03)
Streams
S-1
Ponds
Parks
S-3
S-4
Parks
S-5
S-6
Planning Areas

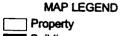
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Batchellors Forest East Tributary Subwatershed Map WSCCR 05A-OLN-02 (Parker Memorial Baptist Church)





Buildings
Roads - Parking

Streams
Ponds

Batchellors Forest East Tributary Subwatershed

Parks

M-NCPPC Subdivision Plans

WATER / SEWER CATEGORY MAP AMENDMENT

Montgomery County, Maryland 2003 - 2012 Comprehensive Water Supply and Sewerage Systems Plan





Water and Wastewater Policy Group
3/27/06 Update – GIS Project File:
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Douglas M. Duncan County Executive

MEMORANDUM

James A. Caldwell Director

March 14, 2006

TO:

Keith Levchenko, Legislative Analyst

County Council

FROM:

Alan Soukup, Senior Planner, Water and Wastewater Policy Group

Department of Environmental Protection

SUBJECT:

Updates Concerning the Executive's January 2006 Amendment Packet

Please be advised of the following updates to the category change requests included in the Executive's January 2006 transmittal packet of Water and Sewer Plan amendments:

WSCCR 04A-LSN-01 (Natelli Communities/Barmakian): The owner, Mr. Barmakian, advised DEP on Mar. 10, 2006, that he wishes to withdraw the category change request. A copy of his e-mail correspondence is attached.

WSCCR 05A-PAX-04 (Saffran/Wooten): The applicant, Mr. Saffran, advised DEP on Feb. 8, 2006, that he wishes to withdraw the category change request. A copy of his correspondence is attached.

WSCCR 04A-PVE-01 (Winchester Homes/Schraf): At the suggestion of DEP staff, the Town of Poolesville provided updated information concerning the status of this request on Feb. 14, 2006. Based on this new information, we have revised our position to recommend approval of categories W-3 and S-3. We have also added an advisory note concerning the environmental impacts of the project on the Broad Run Watershed. A copy of our updated report and recommendation is attached.

WSCCR 05A-OLN-02 (Parker Memorial Baptist Church/Jones Estate): The Executive recommended deferral of this request pending the applicant's preparation of a development plan showing impervious surfaces. The applicant has prepared a plan which is currently involved in the County's development review process. We will work to have copies of and information from this plan available for the upcoming T&E Committee meeting on Mar. 30, 2006.

If you have any questions concerning these comments, please do not hesitate to contact me.

 $ADS: ads/R: \verb|\|...\| CWSP-AMEND\\| COUNCIL\\| packets\\| 2000s\\| 2006\\| jan\\| hearing\\| ads-kl-mmo=031406=updates.docolored by the council by$

Attachments



cc: Mary Dolan, Community-Based Planning/Environmental Unit, M-NCPPC Paul E. Kuhlman, II, President, Commissioners of Poolesville Wade Yost, Town Manager, Poolesville Catherine Matthews, Director, Upcounty Regional Services Center Dave Lake, WWPG, DEP

March 10, 2006

Alan Soukup
Senior Planner
Mentgemery County Department of Environmental Protection
Water and Wastewater Policy | roup
255 Reckville Pike
Su ite 120
Reckville, Maryland 20850-41:6

Tele No. 240-777-7700

FAX No. 240-777-7773

RE: Public Hearing on Requested Water/Sewer Category Map Amend: ents, Tuesday, March 14, 2006 7 50 PM, Seventh Ploor Hearing Room, Stella B. W rmer "Council Office" Building.

WSCOR O4A - LSN - O1
Toll Brothers, Inc. (For Steplen H. Bermskien). Natelli Communities Replaced Tell
Brothers, Inc., As The Applicant. Also, Natelli Communities Released said Centract
and No Lenger Centract Purchaser. Copy of Centract property release enclosed.

Stephen H. Barmakian, Propert; Owner,

Parcel P582, Friend In Need, "ex Maps EW 121/122: WSSC Grid 232 233 NW14

Residence Address:

Stephen H. Barmskien 142 Ferest Street Wetertown, Messachusetts 0247::-1897

Action To Bo Taken and Remarks :

Since Tom Natallie of Natallie Communities, the Contract Burcheser, Released his Contract with me last year, 2015, and as the Property Owner, Stephen H. Bermakian, I hereby request, at the is time, the Application for Ostegory Charge be "Withdrawn Without Projudice."

Please enter this statement into your official record and confirm the same to me.

Stabhul . Lourdrin

Stephen H. Bermskiam 142 Forest Street

Watertewn, Massachusetts 02472-1897

Tel (617) 924-5942

Allan Soukup DET 255 Rockville Pike Suite 120 Rockville MD 20850 4166

RECEIVED

FEB 03 2006

Environmental Protection

RE: Request withdraw category change of case # WSCCR 05A-PAX-04

Dear Allan,

Please withdraw my father-in-laws lot (Wootten Subdivision 23212) from water and sewer category change review. After meeting with WSSC the linch tap that is shown on their plan they can not confirm exists, and if it did would not be enough to reach the location where the house will sit. We would like it to stay well and septic.

Sorry for any inconvenience,

Steve Saffran

4238 Sandy Spring Rd Burtonsville MD 20866

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet - January 2006: Map Amendment Summary Information Table

Town of Poolesville – Background: Requests to change water and sewer service area categories within the county's municipalities, including those such as Poolesville that maintain their own planning and zoning authority, are included in the county-wide Water and Sewer Plan. State law directs the County to incorporate the water and sewer planning accomplished by the municipalities into the County Plan. In this regard, DEP's evaluation of category change requests filed for properties within the town must rely substantially on planning and utility recommendations provided by the Town government.

Map Amendment No. Applicant (Owner) Site Information & Development	Applicant's Request/Exp Service Area Categories Existing Request	Reviewing Agency Comments
WSCCR 04A-PVE-01 Winchester Homes (for Dennis Schraf, et al.) • Whites Ferry Rd. – Parcel P780, Mount Pleasant • Map tile: 224NW20; CT122 • West side of West Willard Rd., between Whites Ferry Rd. (MD 108) and Westerly Rd. • Town of Poolesville Master Plan (2005) • Broad Run Watershed (MDE Use I) • R-3/4* Zone; 101.29 ac. • Existing use: agricultural • Proposed use: 98-lot single-family residential subdivision * Poolesville zoning: residential for ¾-acre lots	W-6 W-3 S-6 S-3 Applicant's Explanation: seeks category change the future subdivision of property into single family residential dwelling unit. The State has issued gallons per day. (Nowas delaying impleman issue. The subdivision plante County's approvement of the Town will work was dequate facilities as	Poolesville Update (3/13/06): As a result of a meetin in late Jan. between DEP staff and representatives of the Town and the applicant, the Town provided DEP with updated information concerning this project on Feb. 14, 2006. The most significant status changes are summarized as follows:

Original Comments from Poolesville - Town of Poolesville (summarized from Nov. 14, 2005, letter-circle pgs. 18-19)

Master Plan: The project is consistent with growth and development staging proposed in the Town's 2005 master plan update, which calls for the population to expand from 5,167 to a maximum of 6,500 supported by approximately 420 new homes. The Town is working to resolve public water and sewerage system issues which will allow for the future development proposed by the 2005 master plan. However, at this time, the Town informed DEP that it cannot reasonably project a schedule for the resolution of these issues. (See below for specific discussions.)

<u>Water</u>: Adequate public water supplies for projected growth are pending the addition of several new municipal well sites. While the Town has identified and is actively pursing new well sites, it does not have a timetable set for the expansion of the Source The Taylor to support this and other planned projects.

Sewer. The Town has completed the expansion and upgrade of the Poolesville Wastewater Treatment Plant (WWTP). These improvements and ongoing inflow and infiltration (I&I) control efforts are expected to allow the Town's transmission and treatment systems to satisfy the master plan's projected growth. The Town informed DEP that due to ongoing litigation, the Maryland Dept. of the Environment has not issued a new Wastewater Discharge Permit for the expanded plant. When the permit is issued, it will allow the WWTP to increase discharges from 625,000 to 725,000 gallons per day.

M-NCPPC: Since this is within the corporate limits of Poolesville, it is not controlled by a county master plan; however, the configuration of new sewer lines must be examined to assure that adjacent properties in the County's RDT zone are not affected. In addition, this property is in the headwaters of Broad Run, a watershed designated for protection under the County's Legacy Open Space Functional Master Plan. All new sewer lines should be placed to avoid the stream buffer and adjacent contiguous forest. W-3 and S-3 are recommended, but conditioned on avoidance of the stream buffers and contiguous forest.

3/13/06 M-NCPPC Review Addendum: The final M-NCPPC staff report raises the preceding issues, but concludes that the request should be denied pending their resolution. On Jan. 26, 2006, the Planning Board considered the staff recommendation. The Board acted to recommend deferral of this request pending the resolution of the issues raised by the staff report.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet – January 2006: Map Amendment Summary Information Table

TOWN OF POOLESVILLE - POOLESVILLE PLANNING AREA

Recommendation Update (3/13/06): Approve W-3 and S-3.

Advisory note: M-NCPPC staff have raised concerns regarding the potential environmental affects of this project, which is located in the headwaters of the Broad Run Watershed. Of particular concern are the location and construction of sewer mains and pumping facilities. In the interest of the County's efforts to protect the Broad Run Watershed, the Council strongly urges that the project developer and the Town of Poolesville work in cooperation with M-NCPPC and DEP staff in the development of this project and on the mitigation of its potential environmental impacts.

Staff Report Update (3/13/06): In its updated comments to DEP (Feb. 14, 2006), the Town has confirmed that the Winchester/Schraf Property project is part of the Town's development plans, and that the Town is pursuing the improvements and approvals needed to implement the project. The Town has advised that they are not yet ready to allocate available water and sewer taps for the Winchester/Schraf project. These allocations are under the control of the State through the Dept. of the Environment, not the County. The County has a responsibility to incorporate Poolesville's water and sewer planning efforts into the county-wide plan. Given this role and the Town's intentions as expressed to DEP, it is appropriate to recommend categories W-3 and S-3 for the Schraf property. DEP is willing to work with Town officials on a general update of the service area maps for the town, to align them with the Town's overall land use and water/sewer planning efforts.

M-NCPPC staff have raised reasonable environmental concerns with regard to the development of this site in the headwaters of Broad Run. The Planning Board acted in January 2006 to recommend deferral of the request, in part at the applicant's urging, pending a resolution of these concerns. However, it is not appropriate to condition an action on this water/sewer category change request with the resolution of these issues, which need to be addressed through the Town's development review and approval processes. We expect the Town to work willingly with M-NCPPC and DEP staff through its development process to ensure that this project proceeds with the minimum environmental impact possible.

Original Recommendation and Report (superseded by the preceding discussion)

County Executive Recommendation: Deny the water and sewer request; maintain W-6 and S-6.

Executive Staff Report: The applicant is seeking water and sewer category changes to allow for the provision of public water and sewer service to a proposed 98-lot residential subdivision in the Town of Poolesville. The site is zoned for moderate-density residential development, as is recommended in the Town's 2005 master plan update. The Town has informed DEP that its public water supply and sewerage systems are not yet ready to support the development growth recommended by the new master plan. New well water sources are anticipated but not yet programmed by the Town. Litigation concerning the expansion of the wastewater treatment plant has slowed the progress on needed additional treatment capacity.

The Town of Poolesville has not advised the County the County of a schedule as to when its water supply and wastewater systems will be capable of handling this and other new projects. This request should not move forward until the Town is able to commit to development and infrastructure schedules to which the County can apply its service area category structure. Once this is achieved, the County will accept an application for a new category change request for this project. In addition, the County encourages the Town to work with DEP to develop a general category map amendment based on the Town's new master plan.





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION Office of the Chairman, Montgomery County Planning Board

February 13, 2006

The Honorable Douglas M. Duncan County Executive Montgomery County Government 101 Monroe Street Rockville, Maryland 20850

The Honorable George Leventhal President Montgomery County Council 100 Maryland Avenue Rockville, Maryland 20850

RE:

January 2006 County Council Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

CASES:

WSCCR 04A-PVE-01

Lakewood Estates Health

WSCCR 05A-PAX-04 WSCCR 05A-TRV-02

WSCCR 05A-TRV-06

Problem Area

WSCCR 05A-TRV-07 WSCCR 05A-OLN-02

Dear Mr. Duncan and Mr. Leventhal:

On Thursday, January 26, 2006, the Montgomery County Planning Board considered seven water and sewer service area category change applications as part of the January 2006 County Council Amendments to the Comprehensive Water Supply and Sewerage Systems Plan. The Montgomery County Planning Board unanimously concurred with the County Executive Recommendation on six applications, two of those with comments, for transmittal to the County Council and County Executive. The Planning Board recommended deferral rather than denial in one case where the Executive recommended denial.

The January 2006 transmittal contains eight proposed water and sewer map amendments, including one already considered by the Planning Board (WSCCR 04A-LSN-01, Barmakian). The January 2006 County Council Amendments to the Comprehensive Water Supply and Sewerage Systems Plan applications have been reviewed for consistency with water and sewer

Montgomery County Planning Board, 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: (301) 495-4605, Fax: (301) 495-1320, E-mail: mcp-chairman@mncppc-mc.org, www.mncppc-mc.org The Honorable Douglas M. Duncan The Honorable George Leventhal February 13, 2006 Page 2

service recommendations within their respective master plans. Staff recommendations are based on master plan guidance and other policies within the Comprehensive Water Supply and Sewerage Systems Plan.

Unlike applications considered under the Administrative Delegation process, these applications must be forwarded to the County Council for action. The Planning Board is required by state law to provide land use and zoning input on these amendments. Planning Board recommendations are forwarded to the Council via this letter prior to public hearing record closure and in time for the T&E worksession on March 13, 2006.

A brief summary of the applications follows:

Unanimous agreement with the Executive

WSCCR 05A-PAX-04

Steve Saffron

WSCCR 05A-TRV-06

Laurana Coleman Reed

WSCCR 05A-TRV-07

Vincent Burnett

Unanimous agreement with the Executive with comments

Lakewood Estates Health Problem Area

The Planning Board unanimously recommends approval of the category change, but asks that all the property owners be informed of the potential implications of extending sewer to the entire neighborhood as part of the notification process.

WSSCR 05A-OLN-02 Parker Memorial Baptist Church

The Planning Board supports the Executive recommendation to defer action on the water and sewer category change. While the Executive based his request on the need for a conceptual layout, the Planning Board had additional concerns. Subsequent to the preparation of the Executive's packet, the applicant did produce a conceptual layout plan two days before the Planning Board packet was prepared. The Planning Board reviewed the case with the conceptual plan and was concerned about the amount of imperviousness proposed (28-30%). The Planning Board asked that a pre-preliminary plan (under Section 50-33A) be submitted that is consistent with the master plan and keeps imperviousness below 20% unless the Planning Board concludes that a greater percentage is acceptable. The Planning Board, while recommending deferral, wishes to reconsider this case as soon as the information is available.

The Honorable Douglas M. Duncan The Honorable George Leventhal February 13, 2006 Page 3

Disagreement with Executive's Recommendations

WSCCR 04A-PVE-01 Winchester Homes

The Planning Board heard the testimony of the applicant that they have reached agreement with the Town of Poolesville, and that the Town is finalizing their permit issues with the state of Maryland regarding capacity to serve this new development in Poolesville. The applicant has requested that their application be withdrawn from consideration at this County Council session and considered at a later date when the Town has resolved all the issues with the state and determined the appropriate category for service under the Comprehensive Water Supply and Sewerage Systems Plan. The Planning Board unanimously recommended deferral of the case until the issues are resolved.

Community Service to Relieve a Health Problem

The Planning Board had considerable discussion regarding the process for determining a health problem and the appropriateness of allowing the immediate extension of sewer in non-emergency situations. There is concern that these incremental sewer extensions can significantly alter neighborhood character and cause environmental impacts. The Planning Board would like to discuss this issue as part of the next comprehensive amendment to the Comprehensive Water Supply and Sewerage Systems Plan.

We thank you for the opportunity to provide recommendations on these cases.

Sincerely,

Derick P. Berlage

Chairman

DPB:MD:ss Attachment

cc Keith Levchenko, Montgomery County Council
David Lake, MCDEP
Alan Soukup, MCDEP
Jorge Valladares, M-NCPPC Environmental Planning
Mary Dolan, M-NCPPC Environmental Planning



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue Silver Spring, Maryland 20910-3760 301-495-4500, www.mncppc.org

MCPB 1/26/2006 Item # 4

January 20, 2006

MEMORANDUM

TO:

Montgomery County Planning Board

VIA:

Gwen Wright, Acting Chief

Countywide Planning Division

Jorge A. Valladares, P.E., Chief

Environmental Planning/CWP

FROM:

Mary Dolan for the Department of Park and Planning

(301) 495-4552

SUBJECT:

Proposed Amendments: Montgomery County Comprehensive Water Supply and

Sewerage Systems Plan — AD 2006-1 and January 2006

RECOMMENDATION

Approve as recommended for each case and transmit to the Council and Executive for final action.

DISCUSSION

This staff memorandum contains recommendations for category changes presented in two groups by the Department of Environmental Protection staff on behalf of the Executive.

- Cases going to the County Council for action in February (January 2006 packet)
- Cases going to an Administrative Hearing on January 31, 2006 for Executive action (AD 2006-1 packet)

The Planning Board may request that any case scheduled for administrative hearing and Executive action, be referred for County Council action if there are significant issues.

In all the January 2006 and AD 2006-01 cases, the Park and Planning Staff agrees with the Executive's recommendations.

Discussion

Staff is working with the Department of Environmental Protection Staff to simplify the process for bringing proposed water and sewer category changes to the Planning Board for recommendations. When possible, staff proposes to package items that are scheduled for administrative hearings and County Council consideration at the same time to consolidate the discussion of these items. On occasion, however, the timing of action may require individual cases to come to the Board between packages.

Continuing the streamlining effort, the staff report will only highlight cases where staff recommendations differ from the Executive's recommendation, or where significant comments should be brought to the attention of the Board. Staff's comments on all cases have been incorporated into DEP's packet along with the comments of other agencies. The full packet for County Council action and administrative hearings are attached for your consideration or further comment beyond the staff report.

If any of the items scheduled for administrative hearing raise issues for the Planning Board, the Board may request that those items be referred to the County Council with a recommendation for approval, deferral or denial. If the Board concurs with the Executive's opinion to recommend approval, the cases will be decided subsequent to the administrative hearing on January 31, 2006. Planning staff concurs with the DEP recommendation for approval of the administrative packet (AD-2006-1) with the comments noted.

The County Council will receive the January 2006 packet this week and schedule a public hearing for sometime in February. After the hearing, the Council's Transportation and Environment Committee will discuss the cases and send their recommendations to the County Council.

County Council Packet Issues

Two cases in the Council packet merit further explanation:

WSCCR 04A-LSN-01
 Natelli Communities (for Stephen Barmakian)
 See circle page 1-10 of the Executive Packet

Zone: R-200 Size: 20.91 acres

Proposed Use: 41-lot residential subdivision

The Planning Board considered this case in October of last year and recommended denial. The Planning Board letter is included in the packet going to the County Council and is attached at circle 6. No additional action is necessary or recommended.

WSCCR 04A-PVE-01 Winchester Hames (for Day

Winchester Homes (for Dennis Schraf, et. al.) See circle page 15-21 of the Executive Packet

Zone: Town of Poolesville

Size: 101.5 acres

Proposed Use: Residential Property Subdivision within the Town of Poolesville

71)

Since this is within the corporate limits of Poolesville, it is not controlled by a county master plan; however, the configuration of new sewer lines must be examined to assure that adjacent properties in the County's RDT zone are not affected. In addition, this property is in the headwaters of Broad Run, a watershed designated for protection under the County's Legacy Open Space Functional Master Plan. All new sewer lines should be placed to avoid the stream buffer and adjacent contiguous forest.

The County Executive recommends denial of this request due to the information received from the Town of Poolesville that its public water supply and sewer systems are not yet ready to serve this development and no schedule is forthcoming. **Planning staff recommends denial** until it is shown how the service would be provided and what impact can be expected to the Broad Run stream watershed.

WSCCR 05A-OLN-02
 Parker Memorial Church
 See circle page 47-57 of the Executive Packet

Zone: RC Size: 8.4 Acres

Proposed Use: Institutional

The 2005 Olney Master Plan does not include this property in its proposed sewer envelope. The applicant is proposing a private institutional facility (PIF). Because no preliminary plan has been filed, the compatibility of the use with adjacent low-density residential areas cannot be determined. The master plan recommends minimizing imperviousness in the Batchellors Forest Tributary and maintaining the existing forest cover to protect the stream quality.

The County Executive recommends deferral of this item until a conceptual plan is received in order to determine the potential imperviousness. A concept plan was received in the interim since DEP prepared their packet showing a layout that removes a large area of forest on the site and proposes about 28-30% imperviousness. This level is considerably higher that residential development at this density would be (8-10%) and even higher than approved by the County Council for the Lutheran Church of St. Andrew or the People's Community Baptist Church (25%). The Zoning Text Amendment (ZTA) proposed by the Planning Board recommended a 20% imperviousness cap for the RC zone. The County Council has asked for more information from the PIF Working Group before taking action on the ZTA. No preliminary plan has been filed for Parker Memorial Church as yet, and may differ from the conceptual plan that we have received (see circle 78).

Planning staff recommends deferral of the case until there is time to study the imperviousness in the context of the rest of the Batchellors Forest East tributary in light of the approved and adopted Olney Master Plan and to recommend an imperviousness cap for the site.

If this item is deferred, it would be included in the spring packet that would come back to the Planning Board for further deliberations, preferably with a preliminary plan submittal that would give additional information regarding the ultimate layout of the site, compliance with the Forest Conservation law and a conceptual stormwater management plan.

Potomac Peripheral Sewer Service Policy

A number of cases in Potomac have recommendations that depend on the peripheral sewer service policy. The Planning staff recommends concurrence with the DEP staff interpretation of that policy with regard to the cases presented in the administrative and the County Council packet. The 2002 Potomac Subregion Master Plan recommends the use of a "peripheral sewer service policy" in evaluating service area change requests for properties located near the edge of that plan's recommended public sewer envelope. In this, the master plan recognized that the existing public sewer service area in the Potomac Subregion has grown on the basis of individual requests, rather than by comprehensive amendments, creating an irregular and sporadic envelope. The new master plan proposes the use of the following criteria in evaluating these requests:

- The subject property should abut or confront the edge of the recommended public sewer envelope; and
- The main extensions needed to serve these properties should avoid streams, stream buffers, and other sensitive environmental features, preferably running within existing or proposed public rights-of-way.

In reviewing the following cases, MCDEP and M-NCPPC staff also considered these additional criteria that they felt were relevant to a comprehensive evaluation:

- The number of additional properties, developed and undeveloped, abutting the proposed sewer main extension;
- The extent to which other front-foot benefit assessment (FFBA) payers would subsidize the main extension costs for those abutting properties not required to pay assessments under WSSC's current policies;
- The extent to which the extension opens up service to other abutting properties not otherwise eligible for public sewer service; and
- The actual need for public sewer service.

Note that under the master plan's peripheral service proposal, the approval of any of these amendments does not constitute an expansion of the recommended Potomac Subregion public sewer envelope.

Public Outreach

As part of our effort to improve notification and communication with residents and communities, this proposed action was placed on the Planning Board's agenda two weeks in advance of the item and notices were mailed to the applicants, adjoining and confronting property owners, and to Homeowner's and community organizations near the proposed category change requests. Information has been posted on the DEP web site with links to the Planning Board agenda, and the notifications have included the DEP web site location for further information. Staff has taken calls from those receiving notifications indicating their thanks for the information.

We will continue to coordinate notification with DEP staff to broaden the process and identify the best means of improving outreach to communities.

MD:ss Attachment

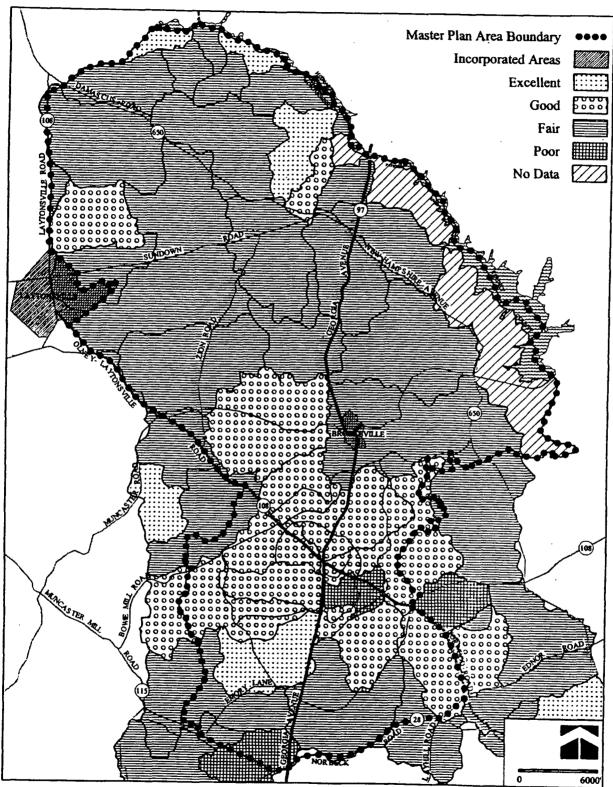
- 2. Encourage WSSC and Pepco to manage properties to support a diversity of wildlife habitats and species.
- 3. Identify wetland resources in Olney's public lands, including M-NCPPC parkland, that have low overall wetland functional values and identify and implement restoration projects for these resources.
- 4. Restore forest and wetlands to enhance park resources on newly acquired parkland where appropriate.
- 5. Evaluate non-forested parcels acquired as parkland, especially former cropland, pasture, and hayfields, for possible restoration and management by the M-NCPPC as grassland and/or shrub habitat to promote a diversity of wildlife species.
- 6. Minimize impacts to biodiversity areas due to disturbance, fragmentation, or damage to buffer areas.
- 7. Avoid damage to groundwater resources for biodiversity areas by limiting imperviousness in areas that drain to biodiversity areas.
- 8. Designate the Hawlings River, Reddy Branch, the Northwest Branch and North Branch Rock Creek Stream Valley Parks as greenways for purposes of State and federal funding for park acquisition or trail construction.

WATER RESOURCES

Stream quality varies throughout the Master Plan area, with generally better water quality than in many developed areas of the County. County and statewide efforts to improve water quality in tributaries have influenced the general approach to water resource protection in the area. These efforts include the 1983 Chesapeake Bay Agreement and subsequent agreements, the 1992 State Planning Act, and the 1997 Smart Growth Act that gives financial incentives to local governments to promote concentrated growth and avoid sprawl.

Montgomery County has undertaken a number of measures to protect water quality. The 1998 Countywide Stream Protection Strategy (CSPS) and the 2003 Update evaluated water quality conditions throughout the County, placing each subwatershed in a management category with corresponding tools to address stream conditions. The CSPS designates management categories that indicate the degree of protection or restoration needed. Management strategies recommended for watershed protection areas in the CSPS and employed in this Master Plan include: expanded stream valley park acquisition or dedication, increased forested buffer requirements, expanded protection for wetland recharge and hydrology, and impervious surface reduction strategies.

Stream Quality



Source: Countywide Stream Protection Strategy, 2003 Update

Management strategies for restoration and agricultural watershed management areas in this Plan include support for County efforts in stream restoration and retrofit projects; measures to increase forested buffers and wetland habitat and function; application of existing stormwater, sediment control, wetlands and forest conservation regulations; and targeting of priorities for Best Management Practice cost-sharing and forested buffer establishment.

Relatively little new development is proposed by this Master Plan. The existing zoning and land use policies have served to limit development in the drinking water reservoir watersheds. The majority of the potential residential development is in the Southeast Quadrant, which contains the headwaters of the Northwest Branch. The North Branch of Rock Creek in Olney contains only a small amount of developable area. One of the goals of this Master Plan is to control water quality impacts of new development by adopting land use and zoning recommendations that result in imperviousness levels compatible with the existing water quality in each subwatershed.

Since 1980, much progress has been made in stormwater quality and quantity management. New techniques and options now exist that integrate innovative BMP's with site design to limit imperviousness and maximize the infiltration and treatment of runoff. Development using these new techniques is generally known as Environmentally Sensitive Development (ESD) or Low-Impact Development (LID). This new approach to development is generating much interest throughout the country and has been recognized by the state of Maryland in its new Stormwater Management regulations. These regulations have been adopted by Montgomery County. ESD is recommended in this Master Plan to afford a higher level of environmental protection, especially in more sensitive areas, than has been available in the past.

The Montgomery County Department of Environmental Protection (DEP) has undertaken a series of studies to determine how to address existing stream quality problems in various watersheds. The Upper Rock Creek Restoration Study (DEP, 2001) and the Hawlings River Watershed Restoration Study (DEP, 2003) both have recommendations for stream restoration and stormwater management improvements that could reduce damage done by past development. These improvements, complimented by the land use recommendations of this Plan and existing environmental regulations, should combine to minimize the impact of new development on the streams of Olney.

The Northwest Branch of the Anacostia River is part of a long-standing effort on the part of the U.S. Army Corp of Engineers, State and local agencies to improve conditions in this largely developed watershed. Several projects are underway and more are planned, mostly downstream of the Master Plan area.

Recommendations:

- 1. Encourage new developments to use environmentally sensitive development techniques that integrate BMP's that maximize stormwater treatment and infiltration, such as:
 - a. Minimization of impervious surfaces;
 - b. Disconnection of runoff, sheet flow to buffers, grass channels; and
 - c. Bioretention

- 2. Encourage pollution prevention measures in conjunction with these techniques, to further enhance their effectiveness.
- 3. Endorse the Montgomery County Department of Environmental Protection efforts to restore streambanks and to control stormwater from existing development.

Patuxent River and Hawlings River Watersheds

The Olney Master Plan Area includes a portion of the Patuxent River mainstem watershed and the entirety of the Hawlings River watershed, a major tributary of the Patuxent River. The planning area portion of the Patuxent River mainstem watershed drains to the Triadelphia Reservoir and the Hawlings River joins the mainstem downstream of the Triadelphia Reservoir. Water from the Hawlings River combines with that from the mainstem to fill the Howard T. Duckett Reservoir further downstream, outside the Master Plan area. Both reservoirs are part of the drinking water system maintained by the Washington Suburban Sanitary Commission for service to Montgomery and adjacent counties.

The Patuxent River and Hawlings River watersheds are the focus of a multi-jurisdictional effort to protect the area draining to the reservoir watersheds. Montgomery County has adopted the Patuxent River watershed Functional Master Plan that delineates a Primary Management Area (PMA) limiting use within 1/4 mile from the Mainstern and 1/8 mile from all tributaries. In low-density zones, this area is restricted to 10 percent imperviousness. In areas with existing zoning allowing densities greater than one dwelling unit per two acres (RE-2), best management practices are required to mitigate the impacts of higher densities. See the Land Use Chapter for more detailed discussion of protection of environmental resources in the Patuxent watershed.

Recommendations:

- 1. Protect forested areas and wetlands that contribute to the health of the drinking water supply through the development process and applicable conservation programs.
- 2. Encourage application of agricultural conservation measures and best management practices.
- 3. Support efforts to restore stream and retrofit stormwater facilities through the Department of Environmental Protection watershed restoration program.
- 4. Endorse the Montgomery County stream restoration and retrofit projects proposed by the Hawlings River Watershed Restoration Study.
- 5. Encourage application of agricultural conservation measures and best management practices.



- 6. Coordinate the Legacy Open Space Program with the Washington Suburban Sanitary Commission and the Patuxent Reservoir Protection Group to identify properties for potential purchase in fee or easements that contribute to protection of the drinking water reservoirs.
- 7. Work with the Maryland Department of Natural Resources to develop an agreement to assure that farming leases in the Patuxent State Park do not contribute substantially to the sediment and nutrient loads to the reservoir.

Northwest Branch

Protection of the current low-density, semi-rural nature of the Southeast Quadrant of the Master Plan area is particularly important because it contains two of the main tributaries forming the headwaters of the Northwest Branch: Batchellors Forest and Batchellors Forest East Tributaries. These stream systems are in relatively good condition and are supported by relatively uninterrupted forested stream valley buffers with forested areas in the headwaters of the first order streams.

Management strategies recommended in the Countywide Stream Protection Strategy include restoration of stream conditions to address problems caused by past development and to provide the stability to accommodate the small, incremental impacts of expected development. Protection of these resources is essential to the health of the stream and wildlife habitat. Many interruptions in the stream buffer can be restored as part of the development process on vacant and redevelopable property. This effort, along with projects identified in the Anacostia River Restoration Study, will provide the remedial management indicated in the CSPS.

Two small streams that flow into the Batchellors Forest tributary from the west will be affected by any construction in the Intercounty Connector (ICC) right-of-way. At least three separate stream crossings will be required, depending on the roadway design. In addition, the right-of-way parallels two stream segments in the headwaters of these streams, potentially affecting large portions of the stream buffer. Forest loss and fragmentation will result from any construction, particularly in the westernmost tributary, further affecting the water quality.

The Batchellors Forest tributary is the westernmost tributary headwater watershed of the Northwest Branch and a Use IV stream. Stream conditions and projected imperviousness are similar to those in other parts of the Northwest Branch headwaters in Sandy Spring and of lower quality than those in Cloverly which were not designated SPA's in previous master plans. The Batchellors Forest tributary is listed as fair and good (although the good scores are low in the good range), and is not considered as "high quality or environmentally sensitive" as currently interpreted. In terms of the CSPS, its quality is similar to many subwatersheds in suburban and rural areas of the County. While the amount of change in imperviousness could be significant between now and build-out, the stream quality should easily stay within the fair range given the relatively low build-out imperviousness. Unfortunately, many of the increases in imperviousness are associated with major road

projects as well as private institutions that have been approved or have applied for approvals under the existing Master Plan.

The environmental protection strategy in the Batchellors Forest tributary includes the application of the RNC Zone to secure almost all of the existing forest, planting of new forest along unprotected stream buffers through development and forest banking, and wetland and forest habitat enhancement associated with the redevelopment of the Trotter's Glen Golf Course. The application of the RNC Zone also allows more units to be constructed with less imperviousness than the existing zoning would have yielded. While some benefits would result from application of a Special Protection Area with an 8% imperviousness cap, it would not significantly reduce the potential imperviousness in this subwatershed nor likely affect the overall stream conditions. An SPA or overlay zone with an imperviousness cap is not recommended for this area.

Recommendations regarding specific actions to protect water quality on particular properties are included in the Land Use Chapter.

Recommendations:

- 1. Restore stream buffers and wetlands through the development process.
- 2. Maximize forest retention and new forest planting in and adjacent to environmental buffer areas through conservation easements as part of the development process.
- 3. Improve and restore parts of the Batchellors Forest stream valley by reducing or eliminating invasive plants and removing old dumping areas. Encourage voluntary stewardship efforts by property owners in areas in need of restoration that lie on already subdivided private land. Some areas (such as a possible dumping area on the 75-acre Casey property on the west side of Batchellors Forest Road) should be evaluated in more detail; restoration measures should be implemented as part of the development process if needed.
- 4. Support federal, state, and local efforts to improve stream conditions though the Anacostia Restoration Project.
- 5. Protect a green corridor along the streams of the Batchellors Forest tributary with voluntary conservation easements, possibly using forest banking as an incentive.
- 6. Avoid and mitigate impacts of any new roadway in the ICC right-of-way.

Development Standards

Renovations and small additions limited to 1,000 square feet or five percent of the existing floor area, whichever is higher, will not be subject to the Site Plan review requirements. All other projects will be subject to the requirements of site plan review.

Height and Setback Controls

Buildings within the core area of the Town Center can be as high as five stories. Buildings along the edges of the Town Center should be limited to three to four stories depending upon the height of the adjoining residential developments.

COMMUNITY SEWER SERVICE

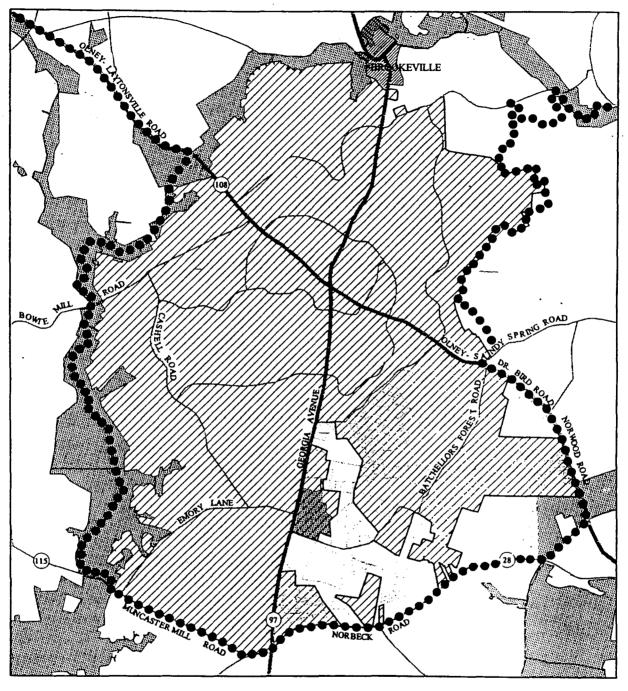
The County's policies on the provision of community sewer service are governed by the Water and Sewer Plan, the County's General Plan, master plans, the state's Smart Growth policies, and other policy documents. Master plans recommend where service is to be provided, generally in areas of more than one unit per acre, consistent with Water and Sewer Plan policies. In lower density wedge areas, sewer is generally provided only where cluster zoning categories or affordable housing are specifically recommended in the master plan and the developer proposes cluster development.

Community sewer service in the planning area is provided through trunk lines that parallel the North Branch of Rock Creek and the Batchellors Forest tributary of the Northwest Branch. In the North Branch of Rock Creek, sewer lines parallel the stream to the point where Williamsburg run joins the North Branch, then proceeds east to serve medium density areas in Olney west of Georgia Avenue. In the south, these trunk lines join to form the main trunk line down the Rock Creek through the District of Columbia and on to the Blue Plains Treatment Plant. In the Northwest Branch, there are two main trunk lines: one serves the area that drains to the Northwest Branch, and the other serves areas of the Town Center in the Hawlings River watershed through the James Creek drainage.

Fooiding community sewer service to relieve failed septic systems can help to minimize groundwater contamination. However, depending on density and clustering options, the provision of community sewer service can damage sensitive habitat and water resources by facilitating development to the maximum zoning density. While extensions along stream valleys are designed to minimize direct environmental impacts, they can alter the characteristics of streams and stream buffer habitat and modify the natural hydrologic system due to wetland fragmentation. Lines that must cross streams or parallel them within the stream buffer can be troublesome if eroding stream channels expose sewer mains and manholes, leaving them more susceptible to damage.



Sewer Service Areas

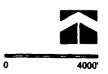


Proposed Sewer Service Area

Parks

Incorporated Areas

●●●● Master Plan Area Boundary



Where the recommendations of the Master Plan and the policies of the Comprehensive Water and Sewer Plan do not support the provision of community sewer service, development should occur, as feasible, using on-site sewerage systems. Septic and other on-site sewage disposal systems are permitted and regulated by the County's Department of Permitting Services. Community sewer service extensions in this Plan are recommended for areas where density levels and clustering are compatible with resource protection and where such extensions would not require new trunk lines in stream valleys.

Recommendations:

- 1. Provide community sewer service in the planning area generally in conformance with Water and Sewer Plan service policies. This will generally exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of existing sewer mains.
- 2. Extend sewer service to areas proposed for RNC in the planning area, where feasible and as recommended in the Land Use Chapter of this Plan. Extend sewer service to RE-1 cluster only where the cluster option is used.
- 3. In the North Branch of Rock Creek, Hawlings River and Northwest Branch watershed stream valleys, on-site sewer extensions to serve new development should follow roadways where possible and avoid stream buffers.

COMMUNITY WATER SERVICE

Water policies of the County's Water and Sewer Plan allow for the provision of community water service throughout the majority of the Master Plan area except for the area zoned RDT. Community water service has been extended to the area around the Oaks Landfill in fulfillment of the agreement between the County and the residents concerned about potential water supply contamination. This has resulted in the extension of public service to areas zoned RDT which are not usually intended for such service. The County Council's action in granting this service was not to stand as a precedent for public water service elsewhere in the RDT Zone. The Council has specifically excluded community water service from properties zoned RDT around the Town of Laytonsville. The County has proposed the extension of community water service to the Town of Laytonsville, just west of the planning area. This will provide greater availability of water service in the northwestern part of the planning area, where WSSC's ability to provide service is now constrained by water system pressure limitations.

The provision of community water service is generally required for areas zoned for moderate to high-density development. Areas zoned for one, two, and five-acre densities are allowed for the consideration of water service on a case-by-case basis. Some lower density areas that initially developed using private, on-site wells are unlikely to receive community water service for the foreseeable future. In addition, some areas now within the community water service envelope initially developed using individual wells and continue to use them. On-site well water supply systems are permitted and regulated by the County's Department of Permitting Services.

Recommendation:

Provide community water service in the planning area in conformance with the Water and Sewer Plan policies.

SUMMARY OF PARKLAND RECOMMENDATIONS

The following properties are recommended as parkland for active and passive recreation purposes. Properties recommended for parkland acquisition through the Legacy Open Space Program are listed separately in this chapter.

Properties with Proposed Parkland Acquisition

Property	Recommendations		
Recreation Opportunities			
Casey Property (adjacent to Farquhar Middle School)	Acquire as a local park through dedication		
Gandel Property	Acquire a portion of the property along its western edge for a trail connection		
Graefe Property	Acquire all or a portion for possible recreation		
Kimble Property	Acquire for active recreation		
WSSC Property in Olney Mill	Acquire if not needed by WSSC		
Resource Protection			
Norbeck Country Club	Seek dedication during redevelopment process to improve stream quality in the North Branch of Rock Creek.		
	Seek dedication of a portion of the property for a local park, if there is a need for a local park in the area at the time of subdivision.		



Parker Memorial

BAPTIST CHURCH

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www.ParkerMemorial.org

Pastoral Staff:

Guy A. Williams, Sr., D.Min.

J. Francis Thornton, M.Ed. Senior Associate Minister Minister of Outreach

Executive Staff:

Karyn M. Felder, PhD Director of Counseling

Pernelope M. Whitby Interim Exec. Asst. to the Senior Pastor

Kia R. Williams, M.A.B.S. Director of Christian Education Director of Marketing

2006 Annual Theme:

"Learning to Walk by Faith"
Hebrews 11:6

March 14, 2006

Montgomery County Council 100 Maryland Avenue Rockville, MD 20850

RE: WATER/SEWER CATEGORY CHANGE

Dear Councilmember:

Grace and peace to you from the Creator and Sustainer of the universe, who has made us all in His image, for His glory and for our communal good.

It is my pleasure to write you today on behalf of the Parker Memorial Baptist Church. On October 17, 2005, God graciously blessed our congregation to become the new owners of the property near the corner of Norbeck & Layhill Roads (1601 Norbeck Rd. Silver Spring, MD). The Lord's provision of this final site for our ministry has come as an answer to fervent prayer, exhaustive developmental spending and the prevailing persistence of our people for more than a decade.

Our journey began back in September 1997, when after a lengthy sacrificial financial drive, thorough analysis and expensive consulting fees, we thought we had indeed found our Promise Land in our acquisition of 12.58 acres at the corner of Rt. 29 and Fairland Roads. But from the very inception, we faced what appeared to be insurmountable challenges. Aside from the covert and at times blatant racially motivated opposition to our planned development (years later, admitted by leading opponents to our projects), we became like a ping-pong ball paddled back and forth between Maryland National Capital Park & Planning Commission (M-NCPPC), State Highway Administration, County Council, and a host of lower level departments related to County development. We were laden with ever-changing Inter County Connector (ICC) alignment proposals and inconsistent conjecture regarding the Fairland Road overpass – both of which drastically affected our development efforts.

Over a seven year period, it seemed that each time we met with the designated State or County representative to receive the next set of directives for proposed site development, the State or County's plans and/or requirements shifted, were modified, increased or were tabled. Operating in good faith and unwavering determination, we followed every guideline and directive, completed every study or mandated expectation (other than scrapping our plans & selling the property) in an effort to complete the pre-preliminary and preliminary development process. To that end, from 1996 – 2003, we spent in excess of \$800,000 on professional



fees (architects, engineers, attorneys, application fees, accountants, etc.) in attempts to develop that site. This is unconscionable for a church. So much money wasted on never-ending development costs instead of on ministering to and empowering people – our God ordained mission and mandate.

This painful process had a definitive deleterious impact upon our ministry. It nearly bankrupted our bank accounts, crippled our congregation's progress, obliterated our ministry's dreams, and nearly broke the spirit of our members. The exorbitant developmental costs, prolonged and unnecessarily protracted process led to diminished confidence in our leadership, a reduction of our members and the subsequent required sale of our Land of Promise in 2003 and the correlating loss of our opportunity to acquire our present location of ministry operations, the 11.5 acre former Burn Brae Dinner Theater in 2004.

With broken hearts and shattered dreams, we YET trusted in the Lord, as our Shepherd to provide a safe place of green pastures for our people. He did so in the 8.36 acre parcel located at 1601 Norbeck Road, Silver Spring, MD. What we need now is your support and advocacy in approving our request for Water & Sewer Category Change at that site.

Since June of 2005, we have faithfully committed ourselves to the requisite development process, having provided all requirements and submissions to M-NCPPC (pre-preliminary revised from the preliminary plan) for the two primary issues for consideration/approval – Water Sewer Category Change and speculatively proposed Impervious Limitations. We ask that in addition to the County Council being mindful of the process and considerate to the persons neighboring our site, that the Council be sensitive to the arduous journey of the Parker Memorial Baptist Church and not add any further burdens (e.g., restrictive Impervious Limitations) to our development endeavors.

We have been a faithful Montgomery County ministry for over 85 years, originally based in Takoma Park, the southern part of Silver Spring. We are a vibrant ministry with a comprehensive focus on practical contextualization of Christianity. We feature a strong preaching and teaching ministry relevant to persons of every age bracket. Numerically, we are medium in our quantitative size but large in our qualitative service. Our ministry is holistically designed and staffed to meet the diversified and multifaceted needs of our contemporary society. We simply request that you approve our development applications and enable us to build and occupy on our Land of Promise, having finally found a permanent home.

Respectfully submitted

Dr. Guy X. Williams, Sr

Senior Pastor

Holly House Homestead

Laurana Goleman Reed

11641 Glen Road

Potomac, Maryland 20854

(301) 229 4212

March 8, 2006

Montgomery County Council 100 Maryland Avenue, 6th Floor Rockville, Maryland 20850

Dear Council Member,

I received a report from Mr. Alan Soukup in response to my application for sewer hookup. The County Executive recommended that I have this sewer as did the planning board.

I know that there is opposition from the West Montgomery Home Owners Association. I have been told, that their opposition stems from their belief that if I get the sewer that there will be a domino effect. How ever, since I have applied for sewer under the *Peripheral Service Policy* there can not be a domino effect under that particular policy.

As I have stated in my application "I would like a sewer category change so that I can put an addition on my house and a pool in my yard that would be consistent with my neighborhood and with the two-thousand and two Potomac Master Plan recommendation under the Peripheral Service Policy.

The Reed family has lived here for thirty-six years. land, I love my home, I love my location and I love my county. I can put my horse in my trailer and head up country and ride for three hours and be back home in time to change and go to the Strathmore Arts I am on my last lap and I want to spend my last lap in Montgomery County on the Reed homestead. I would like the addition to my house to make my last lap the best, the most enjoyable and the most exiting of all my laps. I would like to enjoy the amenities that my new neighbors will enjoy. I do not want to build a theater. like my addition to consist of: a sunroom, larger dining room, office, exercise room and loads and loads of closet space. Building this addition and a pool would be exciting and fulfilling. While others dream of travel to Cairo and Cathay, my thoughts and dreams are of my last lap; spending it on my property in my newly renovated home, riding my horse and cutting my grass while atop my tractor. To sum it all up . . . I would like to spend my last lap in my own back yard.

My request is consistent with the findings and recommendations of the Executive Board and Park and Planning as described in the Peripheral Service Policy.

Sincerely,

Laurana Coleman Reed

Laurana Coleman Real



STEVE'S A. ROBINS DIRECT 301.657.0747 SAROBINS@LERCHEARLY.COM

Hearing Before the Montgomery County Council Proposed Amendments: Montgomery County Comprehensive Water and Sewerage Systems Plan – AD 2006-1 Packet

> Testimony of Steven A. Robins Lerch, Early & Brewer On Behalf of Winchester Homes, Inc. WSCCR 04A-PVE-01

Good evening Members of the Montgomery County Council Transportation and Environment Committee. My name is Steven Robins and I am an attorney with the law firm of Lerch, Early & Brewer located in Bethesda, Maryland. I am here this evening on behalf of Winchester Homes, the Applicant for Water and Sewer Category Change Request WSCCR 04A-PVE-01. This request for a change from W-6, S-6 to W-3, S-3 is for a 101.5 acre property located within the Town of Poolesville (the "Town") better known as the Schraf property that is currently under review by the Town for the development of a residential subdivision containing 98 lots.

We would respectfully request that the Council <u>approve</u> the category change request. As you will see from more recent materials from the Montgomery County Department of Environmental Protection ("DEP"), this request is now ripe for approval. As part of the original packet, DEP and M-NCPPC Technical Staffs both recommended, as did the County Executive, that the category change request be denied due to a lack of information received at that time from the Town indicating a time frame for when its public water and sewer systems will be ready to accommodate additional development, including the Winchester proposal. We testified before the Planning Board and suggested that the category change be <u>deferred</u> until the next cycle, rather than denied, since the information being requested would be available in short order and would serve to support a recommendation of approval. The Planning Board agreed and recommended deferral.

After the Planning Board hearing, DEP held a meeting with Winchester, Technical Staff and representatives of the Town of Poolesville to discuss the category change. The outcome of the meeting was that the Town submitted a letter to DEP setting forth the information DEP needed in order to recommend approval. It is our understanding that DEP Staff has revised the recommendation to approval of





the W-3, S-3 category based on the information received from the Town. As DEP correctly pointed out in the initial Staff Report, Winchester's proposed development is consistent with the growth and development staging as contained in the Town's recently adopted Master Plan, 2005. The Master Plan calls for the Town's population to expand from 5,167 to a maximum of 6,500 to accommodate additional residential development. As part of the Town's sewer allocation process that was approved and adopted by the Town Council, Winchester's development is specifically accounted for the above referenced figure and Winchester is <u>first in line</u> to develop in the Town.

As we explained to the Planning Board and DEP (and the Town thereafter confirmed in its revised letter), there are several major factors that have changed since the Town's first letter was sent to DEP that serve to support a recommendation of approval of the category change request. First, the Town has completed the expansion and upgrade of the Poolesville Wastewater Treatment Plant. While there was pending litigation relating to the permit issued by MDE, this litigation has concluded and MDE's determination that the wastewater discharge permit is valid is a final decision. As far as water is concerned, Winchester has taken the position that the existing water supply is adequate to accommodate its development. Even so, Winchester has identified and successfully tested for a new municipal well site on its property. Winchester and the Town will be actively pursuing this well site. The various measures necessary to bring this well on-line are very much underway. Again, the Town addressed these factors at the meeting with DEP and in its most recent letter and it is our understanding that this information satisfied DPS and the Executive.

As a result of the changed circumstances since the published Staff Report and the Planning Board's advisory hearing, we would respectfully request that the Council adopt the revised DEP/County Executive recommendation and approve the category change. We appreciate the opportunity to be heard and will be available to answer any questions that you may have regarding this matter. Thank you for your consideration.

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

Founded 1947

P.O. Box 59335, Potomac, Maryland 20859-9335

Good evening Ladies and Gentlemen, my name is George Barnes, I reside at 10311 Glen Road in Potomac, and I am the Zoning Chairman of the West Montgomery County Citizens Association. We are very concerned about the way in which the Peripheral Sewer Policy mentioned in the Potomac Master Plan is being applied. Let me begin by reiterating our long standing position and conviction that development in the RE-2 zone is intended to occur using wells and septic systems. We believe that the peripheral sewer policy is being too liberally interpreted and that the environmental basis of the low density zones would have been better served if it had not been included in the final language of the Master Plan. The Master Plan states on page 21 that "a comprehensive evaluation indicates that providing community sewer service to areas zoned for one-and two-acre development, and contrary to smart growth policies, has undermined the environmental emphasis of zoning areas for low-density development, especially where septic suitability is marginal." We believe that given this finding, despite the proximity of this property to the sewer envelope, this application should be denied. We believe that if the Council is serious about maintaining the environmental basis of the low density zones then "across the road from" does not mean abutting the currently established edge of the envelope. We used to have an abutting mains policy which allowed connection if your property touched or adjoined a sewer main. Under that policy this property would clearly not be eligible since an extension of some six hundred feet including 400 feet of pressure main is necessary just to reach a main to serve the property. This main would disturb several other properties and would require acquisition of rights-of-way Furthermore, despite the fact that DPS has no knowledge of this septic system, no failure has been reported, it may in fact be perfectly adequate to handle additions to the existing house, while the property is a 5 acre parcel providing ample room for a septic field even if a new one should be needed. In closing we would ask that you make the same judgement which the County Executive and M-NCPPC staff recommend for the Burnett property just down the road, 05A-TRV-06, and which we support, that is, to deny the request because it does not abut the envelope. Thank you.

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Summary of Testimony Submitted by Susanne Lee Glen Hills Citizens Association

1. WSCCR 05A-TV-02. Maryland Development Company

We concur with the unanimous recommendation of the County Agencies to deny a category change for Parcels P592, P691, and P802 because the proposed change is inconsistent with the Potomac Master Plan

We strongly oppose WSSC's proposal to service the property by constructing a massive 1,5000 foot gravity sewer through Parcel P802, a highly sensitive environmental area, resulting in the destruction of hundreds of trees, wetlands, and a streambed.

We oppose the request for a public health exception for Parcel P600 because it does not meet the requirements of the Potomac Master Plan. To approve the category change on the basis of the evidence presented here makes a sham of the process and rewards the developer for outrageous conduct that resulted in the recent destruction of the septic system. As set forth in the testimony and the exhibits:

- 1. Well and Septic confirm that they have no evidence of an actual discharge, current or past, into the pond. The statements of DEP and Well and Septic statements are based on pure speculation.
- 2. The developer's application for a category change did not state that there was a public health problem on the site.
- 3. According to Well and Septic, the septic system is now failing because the developer recently destroyed 3 of the system's 4 distribution lines. .
- 4. The septic system failure can be remedied by moving the system to the front yard or using Innovative & Alternative technology.
- 2. Lakewood Estates. We object to the determination that there is a public health problem when only 3 of these 32 homes has experienced an actual failure. Lakewood Estates is not part of the Glen Hills study area.
- 3. Greenbriar Branch. WSCCR 05A-TRV-06 (Reed) and WSCR 05A-TRV-07(Burnett) Both of these should be denied because they are not consistent with Potomac Master Plan. Neither abut an existing or proposed sewer main as is required at page 23 of the Master Plan

Testimony Regarding Sewer Category Changes Montgomery County Council Hearing March 14, 2006

Submitted by Susanne Lee 12900 Circle Drive Rockville, Md. 20850

My name is Susanne Lee. I am representing the Glen Hills Citizens Association as their land use chairman. Glen Hills is a low density, environmentally sensitive, RE-1 neighborhood with extensive ponds, wetlands, and steep forested slopes. It is crisscrossed by tributaries of both the Watts Branch and the Piney Branch streams. These middle sections of the Watts Branch and the Piney Branch have been repeatedly identified as recharge areas of great importance in preserving and increasing water quality in both streams. Further unwarranted and unwanted extensions of the public sewer into our low density neighborhood are inconsistent with the Master Plan, will have a direct adverse impact on the overall character of the neighborhood, and threaten its unique, environmental features.

With regard to the specific requests before you-

A.. WSCCR 05A-TRV-02 Maryland Development Co. These 4 parcels are a quintessential Glen Hills treasure-13.8 acres containing a pond, wetlands, stream valleys, steep slopes, and thick forest canopy. Even the developer admits that the largest parcel (P802) comprising half of the total area could never be developed because of its sensitive environmental features. (circled page 33).

We concur with the unanimous recommendation of the County Agencies to deny a category change for Parcels P592, P691, and P802 because the category change is inconsistent with the Potomac Master Plan.

We strongly oppose WSSC's proposal – a massive 1500-foot gravity sewer extension through Parcel P802 that would destroy hundreds of trees, destroy wetlands, and include a stream crossing. This proposal is clearly inconsistent with the Potomac Master Plan.

We also oppose the request for a public health exception for Parcel P600 because it does not meet the requirements of the Potomac Master Plan and because to do so under these circumstances would make a sham of the public health exception. The Master Plan exception is limited to "documented public health problems resulting from septic system failures." There is absolutely no evidence in the record that there is an actual, current public health problem at the site or any evidence that if there were, it cannot be remedied on site. Furthermore, the recent damage to the septic system was caused by the negligent actions of the developer at the site, actions that should not be rewarded by a lucrative sewer category change.



Here are the facts:

- 1. In a telephone conversation on March 10, 2006, Amy Hart of the Well and Septic Section of the Department of Permitting Services confirmed that there is no evidence that a discharge from the septic system to the pond is actually occurring or has ever occurred. Instead, there is merely a speculative statement in a July 26, 2005 e-mail by Ms. Hart, who did not perform the inspection, that because the end of one of the trenches was near the pond "this likely means sewage was going directly into the pond from that trench." (Emphasis Added) Exhibit A. The house has been vacant for years and there is absolutely no evidence of past or current discharges into the pond. With no additional evidence of an actual discharge, in her July 29, 2005 memo (circled p. 30) she stated: "It appears that the existing septic system is discharging directly into the pond." (Emphasis added). Still with no additional evidence, Alan Soukup in a November 2, 2005 memo to WSSC misstates the facts declaring that "DPS reported that the septic system was discharging into the pond on the property." (Emphasis added).
- 2. The developer's April 20, 2005 application does not state that there is a failed septic or a public health problem. (Circled p. 24) However, in a letter dated May 11, 2005, the developer states that at a meeting with Alan Soukup to "push the issue about approving a hook up to the pressure system...for the existing house" that "Mr. Soukup indicated that if we could get the Well & Septic Section to support our findings of, no records, poor soil and water conditions and other environmental concerns about the current septic system, that he would take a serious look at their comments." (Circled p. 28). The letter further indicates that the developer had not even determined where the existing system was located. (Circled p. 27).
- 3. On July 22, 2005, an inspector from the Well and Septic Section "met with an excavator on-site to confirm a failing septic system. After uncovering the system, they found that 3 or the 4 distribution lines out of the distribution box had been destroyed by a water table test done earlier [that] year"by the developer. (Exhibit A.) It would be a sham to approve a public health exception when the reason the septic system failed was because it was destroyed by the developer.
- 4. There is no evidence that a new system cannot be built on the property. Not only are there I & A technologies available, the developer's letter indicates that a new septic field could be established in the front yard of the house. (Circled p. 27)
- B. Lakewood Estates. We object to the designation of the area as a public health problem area when only 3 of the 32 houses surveyed have had an actual septic failure. We are also concerned that houses with septic problems will be forced to go to public sewer, even if the homeowner wishes and is able to correct the problem on site. We believe it should be approved only if a majority of homeowners agree.

We also object to the statement on circled page 22 that the Lakewood sanitary survey is a part of the Glen Hills study required by the Potomac Master plan. The provision of sewer service to the Lakewood Estates is pursuant to the Piney Branch Subwatershed Recommendations on

page 25 of the Potomac Master Plan (Former Stage I and II properties). Lakewood Estates is not part of Glen Hills or the study described on pages 23 and 24. Furthermore, the Glen Hills study is required to be "conducted in conjunction with the citizens of this area," and must include 6 separate elements, not just sanitary survey information.

C. Greenbriar Branch. WSCCR 05A-TRV-06 (Reed) and WSCR 05A-TRV-07(Burnett) Both of these should be denied because they are not consistent with Potomac Master Plan. Neither of these properties abut an existing or proposed sewer main as is required at page 23 of the Potomac Master Plan.

Post-it® Fax Note 7671	Date 3 10 pages
TO SUSAN Lec	From Amy Hant
Phone #	
Fax * 202 564 1428	Phone #

----Original Message-----From: Soukup, Alan

Sent: Friday, July 29, 2005 9:56 AM

To: Hart, Amy Cc: Lake, Dave

Subject: RE: 13200 Cleveland Drive

7/29/05

Amy:

Sounds (finally!) like he needs some help. I don't see any point in pursuing an I&A system on this property if sewer is available at the street. Go ahead and send us a memo on this one.

Thanks, Alan DEP-WWPG

----Original Message----

From: Hart, Amy

Sent: Tuesday, July 26, 2005 11:49 AM

To: Soukup, Alan

Subject: 13200 Cleveland Drive

Alan,

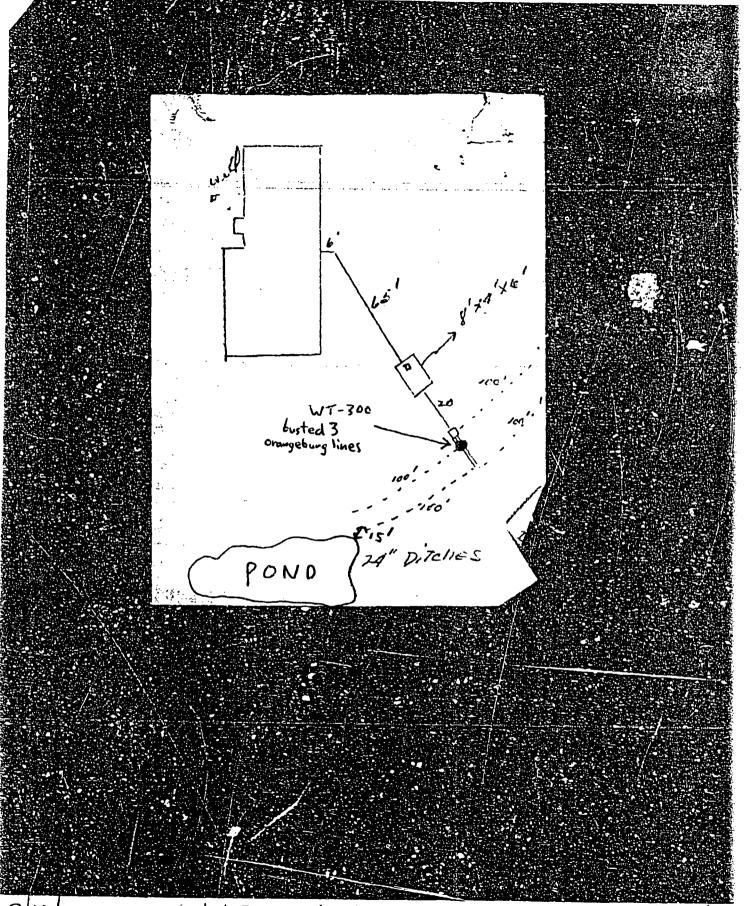
My inspector met an excavator on-site to confirm a failing septic system. After uncovering the system, they found that 3 of the 4 distribution lines out of the distribution box had been destroyed by a water table test done earlier this year. I do not believe this was intentional. The pipes were made of orange-burg pipe and my inspector feels they can not be fixed. In addition, one of the trenches is only 15 feet from the edge of the pond – this likely means sewage was going directly into the pond from that trench. Percolation testing conducted earlier this year showed that there is a shallow depth to groundwater on the site and repair of the existing system would likely need ! & A technology.

I am prepared to issue a health hazard letter, but wanted to run it by you first.

Thanks.

Amy

Exhibit A



7/22/05 WT-300 busted 3 orangeburg lines downgrade of D-Boxtonetrenchis
15 from pond. JRL

95 Exhibit A



CONSERVING OUR REGION'S NATURE SINCE 1897

Re: Sewer Water Category Change Request, Winchester Homes 98 Homes March 14, 2006

My name is Dolores Milmoe. I'm testifying on behalf of the Audubon Naturalist Society. We urge denial for he Winchester Homes sewer water category change. I might add that denial was the original recommendation by Planning staff, DEP as well as the Executive staff until last Thursday. Nothing I have seen in staff's notes available late this afternoon give assurances that concerns have been addressed: That is, there is still no documentation that the sewage system will support this proposed development. And the final report from MDE on potable water availability has not been completed.

This proposal concerns us as well because of its density, 98 homes, right on the edge of the Agricultural Reserve and over the headwaters of Broad Run, a watershed designated for protection under the County's Legacy Open Space Functional Master Plan.

I would add that Poolesville has a very poor record for environmental stewardship. Their WWTP operational history has been plagued with problems, the most serious of which has been the repeated discharge of raw sewage into Dry Seneca Creek. Development interests have repeatedly driven the town's growth beyond sustainable limits. In 1970, Poolesville's population was 350, now there are 5,200 residents.

It is relevant to note that during these cycles of intense growth, public health crisis resulted with both water allocation and sewer capacity. Town officials went back to the State for emergency increases which were granted. This method of growing the town became standard procedure.

Granting this request at this time will not allow for the careful scrutiny of the impacts of this 98 home proposal on the headwaters of Broad Run. This proposal is almost a 25% increase in housing in Poolesville. Is it wise to grant this request before documentation of any actual sewer and water capacity is available?

We urge denial of this request.

RUST SANCTUARY

802 CHILDREN'S CENTER ROAD

LEESBURG, VA 20175

PHONE: (703) 669-0000 / FAX: (703) 669-1234

WOODEND SANCTUARY - HEADQUARTERS
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12829 CHESTNUT STREET, PO BOX 51
CLIFTON, VA 20124-0051
PHONE: 1703) 803-8400 / FAX: (703) 803-9600

Attachant

Poolesville Water and Sewer Category Change March 14, 2006

Dear Council Member Floreen,

I understand there is a water and sewer category change for Poolesville tonight. I have attached an email that I sent to David Lake. After talking fo David, it appears this is a done deal and a rubber stamp by the Council.

PLEASE be aware that Poolesville is still working on their I&I problem, they have not had additional wells approved by MDE and recently, they have discovered a potentially serious radiation problem in their water system.

I certainly hope that the Council believes that these problems should be addressed before we look at over stressing the current system with more houses.

Please feel free to call me if you have any questions.

Conrad (301) 972-7668

----Original Message----

From: Conrad Potemra [mailto:thedarnocgroup@verizon.net]

Sent: Tuesday, March 14, 2006 9:48 AM

To: Dave Lake

Subject: Water and Sewer Category Change

Dave, it is my understanding that there is a hearing tonight for a water and sewer category change for Poolesville. You did not notify me, so I was obviously caught off guard. My obvious fear is that this is a done deal and will not receive the true scrutiny that is needed. If at all possible, I would hope that the hearing could be moved to Poolesville so the Council members can hear from all the citizens with a vested interest in this problem. I have previous plans and will not be able to make it.

More importantly, I think everyone is in agreement, including MDE, that there is not sufficient sewer service to support additional sewer connections in Poolesville. Currently, there is work being planned to complete the repairs to the Wesmond subdivision. However, to the best of my knowledge, there is no start date established. Also, to the best of my knowledge, the final report from MDE on potable water availability has NOT been completed. Based on the first test, neighboring wells were clearly affected. Additional tests may be needed to ensure minimal impact.

AGAIN, this is a situation where plans are being made to add additional

sewer connections to an overloaded plant BEFORE required repair work is being completed and actual measurements of the success are available. As you are well aware, I am very much in favor of the repair work and am hopeful that it will start to reduce the I&I problem in Poolesville. But, almost 20 years of historical show, that all previous work on reducing I&I in Poolesville had the long term effect of increasing flows at the plant. Before I&I work started after the 1988 Consent Decree, the town engineering firm measured WWTP peak flows of 1.9 million gallons per day. As recently as a couple years ago, peak flows were measured at almost 4 million gallons per day, or nearly double the 1988 results! This is on a WWTP that has a capacity of 750,000 gallons per day.

I think it is very foolish for the County to commit to nearly a 25% increase in the housing in Poolesville BEFORE any actual capacity is available. History has clearly shown that once this capacity is allocated, it is used, regardless of any lack of capacity. Again, as you well know, Poolesville has a long history of promising it is working on I&I, while the statistics clearly show the problem is not being fixed, but more County approved housing units are built!

PLEASE, stop this foolishness before it too late. Somewhere and sometime, the promises must be replaced with actual results.

In the meantime, if something needs to be done, I would hope you would focus on the conditions of the roads surrounding these developments and the long overdue work that is needed to allow them to meet the demands of additional traffic.

As always, please feel free to call if you have any questions. I will be happy to work with you.

Conrad (301) 972-7668

March 14, 2006

Water and Sewer Plan Amendment: WSCCR 05A-TRV-02, Maryland Development Co., 13200 Cleveland Dr.

I oppose the extension of sewer service to 13200 Cleveland Drive for 4 reasons.

First, this extension of sewer service would potentially allow more houses to be built on smaller lots thus leading to increased storm water run off from impervious surfaces. There is already a huge problem with the sediment from Watts Branch and it's tributaries which is causing WSSC to propose a new water intake pipe in the Potomac. A Gazette article entitled "Concerns surface over new water pipe" dated Feb. 22, 2006, page 1, states, "It [the new pipe] would replace a shoreline pipe that is often clogged by sediment and debris carried into the river by the Watts Branch tributary." I have hiked along Watts Branch many times. The results of heavy erosion along the banks of Watts Branch are quite visible, and this is the source of the sediment mentioned in the Gazette article. Allowing more houses to be built along a tributary to Watts Branch will only increase this erosion problem.

My second reason for objecting is that WSSC can't guarantee that raw sewage spills will not occur into the tributary and Watts Branch similar to the one on February 20th which occurred in Cabin John Regional Park into the Cabin John stream. This was caused by a grease blockage, and raw sewage was released directly into the Cabin John stream. WSSC had large yellow signs posted warning people to keep away from the water. Unfortunately, I don't think the birds, deer, raccoons, and other wildlife could read the signs.

Third, I object to the environmental damage that would be done by installing a gravity flow system through the stream valley. There are relatively few natural areas left in the County, and it would be a shame to destroy thousands of trees, seedlings, wildflowers and ferns, compact the soil with heavy machinery, and degrade this Potomac River watershed area just so a developer can make a few more bucks.

Finally, I am a volunteer with the Montgomery County Park System and the National Park Service helping to control non-native invasive plants. When a huge swath of land is disturbed by activities such as laying sewer lines through a woods, non-native invasive plants such as Garlic Mustard and Japanese Stilt Grass quickly move in and prevent the growth of the native plants and flowers that our wildlife depends on. As stated in a Montgomery County Weed Warrior program brochure, "Invasive plant populations alter the characteristics of the complex webs that have evolved over thousands of years and can cause the elimination of numerous plants and animals".

Thank you for your consideration of my objections. Kenneth A. Bawer, 8 Cleveland Ct. Rockville, MD 20850 (sewer.doc) LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

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March 27, 2006

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Transportation and Economic Development Committee of the Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

RE: Amendments to the Comprehensive Water Supply and Sewerage Systems Plan; Application No. 051-TRV-02:

Avramovic properties

Dear Chairman Floreen and Committee Members Leventhal and Perez:

I am writing to provide written comments supplementing my testimony at your public hearing on Tuesday, March 14th, regarding the above-referenced sewer category change request. To reiterate, my comments to the Committee Members included:

- 1. Parcel 600 (shown on the attached tax plate map) now enjoys public sewer service as a result of the determination that the property had a failing septic system.
- 2. There is an existing sewer line in the roadbed of Cleveland Drive located slightly northeast of the subject property. Dwelling units that could be constructed on Parcels 592 and 651 (see attached tax map) (the request for service for Parcel 802 was withdrawn), could be serviced by grinder pumps located in each residence forcing effluent to Cleveland Drive where it could then flow by gravity to the treatment plant.
- 3. Virtually every parcel of land that adjoins, confronts or surrounds the Avramovic properties has been platted and is built on or is buildable. It is distressing to the Avramovic family that their property is surrounded by residences yet they are unable to build on their respective parcels.

In summary, at the intersection of Valley Drive and Cleveland Drive, there are no unplatted properties and it seems unusual that the subject properties would remain in an unbuildable state when they are confronted by existing houses on three sides.

J:\M\Maryland Development\16900 - Cleveland Dr\TED Committee ltr.doc 3/28/2006 2:44 PM



There were a couple of speakers who testified after me who expressed reservations about extending public sewer to the Avramovic properties. Unfortunately, those opinions were based on some inaccurate information. In particular:

- 1. The applicant is not proposing that a sewer line be extended for 1,600 linear feet through Parcel 802 in order to provide public sewer service. Connection to a public sewer line can be achieved in a more efficient manner. A determination about how the larger area should be sewered, if at all, will be made during the study described in the comments of reviewing agencies. However, it is the applicant's position that, in conjunction with a grant of sewer service to connect the two buildable parcels (P-592 and P-651) to the existing sewer line in Cleveland Drive, that the applicant will grant now, or in the future, an easement over some 1,600 linear feet of the applicant's property if such a measure is deemed the best way to provide sewer service in the Glen Hills neighborhood. The applicant sees the creation of such an easement, in exchange for being able to connect to the Cleveland Drive sewer line, as simply being good, long range planning whereby the County preserves its options for future service, as needed, to this general neighborhood.
- 2. I would disagree with the characterization by one of the speakers last Tuesday evening who indicated that the Avramovic property, if provided sewer, would result in "new houses on smaller lots". As can be seen on the attached tax plate map, the two subject lots are quite large, averaging 1.9 acres in the RE-1 zone, compared to the most neighboring lots. These are buildable parcels that do not require further subdivision to be used for residences. Instead, their primary distinguishing factor from surrounding lots is that they are unplatted and are (mostly) unbuilt lots as compared to the surrounding land use pattern.

In summary, the applicant for Category Change No. 05A-TRV-02 believes that the Council can and should extend sewer service to Parcels 592 and 691 so that these properties can be developed in a manner consistent with surrounding land use patterns.

Sincerely yours,

MILLER, MILLER & CANBY

JOON KLINE

Jody S. Kline

JSK/dlt

cc: Keith Levchenko Alan Soukup Ted Smart



STEVEN A. KOBINS
DIRECT 301.657.0747
SAROBINS@LERCHEARLY.COM

March 28, 2006

BY TELECOPIER AND HAND DELIVERY

The Honorable Nancy Floreen, Chair Montgomery County Council Transportation & Environment Committee Stella B. Werner Council Office Building 100 Maryland Avenue Rockville, Maryland 20850

> Re: Winchester Homes/Water and Sewer Category Change WSCCR 04A-PVE-01

Dear Ms. Floreen and Members of the Transportation & Environment Committee:

Our firm represents Winchester Homes, the contract purchaser of property located within the Town of Poolesville (the "Town") better known as the Schraf Property. This property that has been under review by the Town of Poolesville (both the Planning Commission and Town Commissioners) for approximately five years is proposed to be developed with 98 single family lots. I am attaching the testimony that I delivered at the recent public hearing before your Committee for ease of reference.

One of the elements of the approval for the above referenced development is public sewer and water, all to be provided from the Town's facilities and not County facilities. Sewer service will be provided from the Town's waste water treatment plant that has been recently upgraded and water service will be provided from the Town's expanded water supply. Winchester and the Town are working together to bring on-line a new, substantial water supply located on the Schraf property.

As pointed out in the County Executive's and DEP's <u>revised</u> transmittal packet, "requests to change water and sewer service area categories within the County's municipalities, including those like Poolesville that maintain their own planning and zoning authority, are still included in the county-wide Water and Sewer Plan. State law directs the County to incorporate the water and sewer planning accomplished by the municipalities, like the Town of Poolesville, into the County Plan. In this



The Honorable Nancy Floreen and Members of the Transportation & Environment Committee March 28, 2006 Page 2

regard, DEP's evaluation of category change requests for properties within the town must rely substantially on planning and utility recommendations provided by the Town government." The County Executive's revised recommendation for the Schraf property is to recommend Approval of the W-3, S-3 designation. This recommendation is the result of a meeting in late January between DEP Staff, the Applicant and representatives of the Town whereby the Town provided DEP with updated information concerning the Winchester development and the status of available infrastructure. In particular, in a letter to DEP from the Town dated February 14, 2006, the Town confirmed that:

- The Town has two new municipal wells in the permit review process with the State.
- The State has issued the discharge permit for the waste water treatment plant expansion to 725,000 gallons/day. The litigation that delayed the implementation of the permit has been resolved with the MDE finding that the permit is valid. No appeal was filed. This is no longer an issue.
- Winchester's subdivision plan is currently pending approval by the Town. The only remaining issue is the pending stormwater management approval.
- The Town responded to DEP that it will work within its development process framework to ensure that "adequate facilities are in place prior to water and sewer allocations, with the burden to supply these facilities to be borne by the developers."

Again, based on the January meeting and February 14th followup letter, DEP and the County revised its recommendation for the water and sewer category change to one of <u>approval</u> of the W-3, S-3 classifications.



The Honorable Nancy Floreen and Members of the Transportation & Environment Committee March 28, 2006 Page 3

At the March 14, 2006 public hearing before the Committee, Dolores Milmoe testified on behalf of the Audubon Naturalist Society against Winchester's category change request. We believe that testimony should have no bearing on the Council's approval of the category change request for the following reasons:

- DEP has carefully and methodically reviewed this request and based its initial recommendation solely on a lack of information needed from the Town to support an approval. DEP received the information needed from the Town at the January meeting and documented in its February 14th letter. The Town specifically supplied to DEP the information it was seeking for a recommendation of approval and that is set forth in the revised Staff Report.
- As part of the development approval process, Winchester prepared a Natural Resources Inventory/Forest Stand Delineation Plan (which has been approved by the Town) that identifies any wetlands and associated buffers, streams, flood plain, forest, seeps, springs and the like. Winchester is taking specific and extensive measures to protect the environment. In relation to the extension of sewer service, Winchester's proposal will incorporate a pump station in lieu of a gravity system that otherwise would have been located in the stream valley. Winchester also is proposing a comprehensive stormwater management system for the development. Finally, Winchester is proposing a development that would allow for approximately 85% of the property to be maintained as green space.
- Accusations regarding the Town's record for environmental stewardship are not only irrelevant to this proceeding but also are not true. The Town has taken the upgrading of the waste water treatment plant very serious and has not, in any way, acted prematurely in its development approval or sewer allocation processes. The Town is actively resolving prior waste water treatment problems as part of the substantial upgrade of the Town's waste water treatment plant. To date, efforts are



The Honorable Nancy Floreen and Members of the Transportation & Environment Committee March 28, 2006 Page 4

extremely successful and have been documented by the Town and its professional consultants. Furthermore, the email from Conrad Potemra set forth issues that were specially addressed not only in the MDE legal proceeding but also by the Town.

• The proposal to increase the Town's housing stock by 98 units is irrelevant to this water and sewer category change request. The Schraf property is under the Town's land use and zoning jurisdiction, not the County's. The Winchester proposal has been and continues to be extensively reviewed by the Town's Planning Commission, Parks Board and Town Commissioners (and Staff). Furthermore, Winchester's proposal falls within not only the population growth expressed in the new 2005 Master Plan but also fits within the figures set forth in the prior plan too. As expressed in DEP's analysis, "Winchester's project is consistent with growth and development staging proposed in the Town's 2005 master plan update, which calls for the population expanded from 5,167 to a maximum of 6,500 supported by approximately 420 new homes."

We would respectfully request that the T & E Committee adopt DEP's amended recommendation and thus recommend approval of this water & sewer category change request to the full Council. The concerns raised by DEP and the County Executive in its initial recommendation have been addressed as evidenced by the revised approval recommendation. The issues raised by the Audubon Society, as DEP Staff and the Executive correctly point out, are ones that are addressed as part of the Town's development review and approval process and not this water & sewer category change application. The Town has been addressing these very issues and will continue to do so as Winchester's plans make their way through the Town's development approval processes.



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We will be available at the March 30, 2006 worksession if you have any questions or comments regarding this matter. Thank you in advance for your consideration.

Sincerely,

Steven A. Robins

Cc: Michael Conley
Daniel Lyons
Edward Wallington
Alan Soukup
Keith Levchenko



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Hearing Before the Montgomery County Council Proposed Amendments: Montgomery County Comprehensive Water and Sewerage Systems Plan – AD 2006-1 Packet

Testimony of Steven A. Robins Lerch, Early & Brewer On Behalf of Winchester Homes, Inc. WSCCR 04A-PVE-01

Good evening Members of the Montgomery County Council Transportation and Environment Committee. My name is Steven Robins and I am an attorney with the law firm of Lerch, Early & Brewer located in Bethesda, Maryland. I am here this evening on behalf of Winchester Homes, the Applicant for Water and Sewer Category Change Request WSCCR 04A-PVE-01. This request for a change from W-6, S-6 to W-3, S-3 is for a 101.5 acre property located within the Town of Poolesville (the "Town") better known as the Schraf property that is currently under review by the Town for the development of a residential subdivision containing 98 lots.

We would respectfully request that the Council <u>approve</u> the category change request. As you will see from more recent materials from the Montgomery County Department of Environmental Protection ("DEP"), this request is now ripe for approval. As part of the original packet, DEP and M-NCPPC Technical Staffs both recommended, as did the County Executive, that the category change request be denied due to a lack of information received at that time from the Town indicating a time frame for when its public water and sewer systems will be ready to accommodate additional development, including the Winchester proposal. We testified before the Planning Board and suggested that the category change be <u>deferred</u> until the next cycle, rather than denied, since the information being requested would be available in short order and would serve to support a recommendation of approval. The Planning Board agreed and recommended deferral.

After the Planning Board hearing, DEP held a meeting with Winchester, Technical Staff and representatives of the Town of Poolesville to discuss the category change. The outcome of the meeting was that the Town submitted a letter to DEP setting forth the information DEP needed in order to recommend approval. It is our understanding that DEP Staff has revised the recommendation to approval of



the W-3, S-3 category based on the information received from the Town. As DEP correctly pointed out in the initial Staff Report, Winchester's proposed development is consistent with the growth and development staging as contained in the Town's recently adopted Master Plan, 2005. The Master Plan calls for the Town's population to expand from 5,167 to a maximum of 6,500 to accommodate additional residential development. As part of the Town's sewer allocation process that was approved and adopted by the Town Council, Winchester's development is specifically accounted for the above referenced figure and Winchester is <u>first in line</u> to develop in the Town.

As we explained to the Planning Board and DEP (and the Town thereafter confirmed in its revised letter), there are several major factors that have changed since the Town's first letter was sent to DEP that serve to support a recommendation of approval of the category change request. First, the Town has completed the expansion and upgrade of the Poolesville Wastewater Treatment Plant. While there was pending litigation relating to the permit issued by MDE, this litigation has concluded and MDE's determination that the wastewater discharge permit is valid is a final decision. As far as water is concerned, Winchester has taken the position that the existing water supply is adequate to accommodate its development. Even so, Winchester has identified and successfully tested for a new municipal well site on its property. Winchester and the Town will be actively pursuing this well site. The various measures necessary to bring this well on-line are very much underway. Again, the Town addressed these factors at the meeting with DEP and in its most recent letter and it is our understanding that this information satisfied DPS and the Executive.

As a result of the changed circumstances since the published Staff Report and the Planning Board's advisory hearing, we would respectfully request that the Council adopt the revised DEP/County Executive recommendation and approve the category change. We appreciate the opportunity to be heard and will be available to answer any questions that you may have regarding this matter. Thank you for your consideration.